

BOWMAN DECLARATION EXHIBIT A

Gregory Slate

February 25, 2011

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA ----- X GREGORY SLATE,) Plaintiff,) vs.) Case No. AMERICAN BROADCASTING) 09-1761 (BAH) COMPANIES, INC., et al.) SLATE,) Defendants.) Pages 1-237 ----- X DEPOSITION OF GREGORY SLATE Friday, February 25, 2011 11:55 a.m. Levine, Sullivan, Koch & Shulz 1050 17th Street, Northwest Suite 800 Washington, D.C. Sara A. Watt, RPR, RMR, CRR	I N D E X EXAMINATION OF GREGORY SLATE: PAGE MR. BOWMAN 7 --- E X H I B I T S SLATE DEPOSITION EXHIBITS PAGE 1 Amended notice of deposition 7 2 Fax, 2/25/2011, with attached letter 9 3 Printout of docket sheet 35 4 Printout of docket sheet 37 5 Handwritten notes 69 6 Handwritten notes 77 7 Printout of KTVI Fox News report 83 8 8/3/2006 e-mail to Slate from Mendelsohn 88
ON BEHALF OF THE PLAINTIFF: Gregory Slate, pro se 1708 Kilbourne Place, Northwest Washington, D.C. 20009 (202) 907-7526 greg@gregslate.com ON BEHALF OF THE DEFENDANTS: Chad Bowman, Esquire Nathan Siegel, Esquire Levine, Sullivan, Koch & Shulz 1050 17th Street, Northwest Suite 800 Washington, D.C. 20036 (202) 508-1100 cbowman@lskslaw.com ALSO PRESENT: Edward Diggs, videographer ---	9 Memo to Delgado from Mendelsohn, invoice for expenses to be reimbursed for ABC guest, Greg Slate, 7/6/2006 93 10 Police Complaint Center invoice, 6/2/2006 96 11 Copy of envelope with 8/21/2006 letter to Mendelsohn from Slate 101 12 April, 2007, e-mail chain between Kamau and Ruppel 143 13 4/7/2007 e-mail to Ruppel from YouTube Service 145 14 5/23/2007 e-mail to Ruppel from Kamau, cc to Slate 148 15 5/23/2007 e-mail to Ruppel from Slate 149 16 6/23/2007 e-mail to Ruppel from Slate 152 17 8/10/2007 e-mail to Ruppel from Slate with itinerary 154



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1 18 The Police Complaint Center's 160 2 photographic/video contract 3 photographer, dated 8/15/2007 by 4 Baird 5 19 3/25/2010 e-mail 163 6 20 9/28/2007 e-mail to Antrim from 165 7 gslate@umd.edu 8 21 Printout from website 167 9 22 3/25/2010 e-mail to 176 10 policeabuse.pcc@gmail.com 11 23 2005-2006 Emmy recipients, 179 12 Chicago/Midwest Chapter 13 24 Mail receipts 186 14 25 3/14/2008 e-mail to Ruppel from 187 15 Slate 16 26 Handwritten notes 198 17 27 Plaintiff's responses to 216 18 defendant's first set of 19 interrogatories 20 (Exhibits retained by the reporter.) 21 --- 22	5 1 Called for examination by counsel for the 2 Defendant, after having been sworn by the notary, 3 was examined and testified as follows: 4 THE WITNESS: Yes. 5 EXAMINATION BY COUNSEL FOR DEFENDANT 6 BY MR. BOWMAN: 7 Q. Good morning, Mr. Slate. 8 A. Morning. 9 MR. BOWMAN: I'd like to ask the court 10 reporter to mark as Defendant's Exhibit 1 a 11 document. 12 THE WITNESS: For the record, I'd like to 13 request that when the transcript is completed and 14 all the recordings of this are finished, that I get 15 a copy of them. And I reserve the right to make 16 any amendments and to review them, make any 17 corrections. 18 As well, I'd like to state that I'm here 19 to answer questions in my capacity as a fact 20 witness, not about my interpretation of the law or 21 in my capacity representing myself pro se. 22 (Exhibit 1
6 1 PROCEEDINGS 2 VIDEOGRAPHER: This is videotape number 3 one of the deposition of Gregory Slate in the 4 matter of Gregory Slate versus American 5 Broadcasting Company, Incorporated, et al., being 6 heard before the United States District Court for 7 the District of Columbia, case number 09-1761(BAH). 8 This deposition is being held at the 9 offices of Levine, Sullivan, Koch and Shulz, at 10 1050 17th Street, Northwest, Washington, D.C., on 11 February 25th, 2011. The time is 11:56:04 a.m. 12 My name is Edward Diggs. I'm the 13 videographer. The court reporter is Sara Watt. 14 Will counsel please introduce yourselves? 15 MR. BOWMAN: My name is Chad Bowman, 16 representing the ABC defendants in this case. 17 MR. SIEGEL: I'm Nathan Siegel, for the 18 ABC defendants. 19 THE WITNESS: Gregory Slate. 20 VIDEOGRAPHER: Would the court reporter 21 please swear in the witness? 22 GREGORY SLATE	8 1 marked for identification.) 2 BY MR. BOWMAN: 3 Q. Mr. Slate, do you recognize this 4 document? 5 A. Not immediately. 6 Q. Did you receive this document entitled 7 amended notice of deposition? 8 A. I don't recall. 9 Q. Mr. Slate, why are you here this morning? 10 A. I'm here to be -- to answer questions. 11 Q. Okay. Is it your contention that you did 12 not receive notice of deposition? 13 A. I haven't read that. I don't know -- I 14 can't answer questions about that. I don't know. 15 Q. Okay. Would you read this aloud, please? 16 Mr. Slate, is this, to your knowledge, 17 this deposition being recorded stenographically? 18 A. Can you define "stenographically"? 19 Q. Do you see a court reporter in this room? 20 A. I believe she identified herself as a 21 court reporter. 22 Q. Do you see a videographer in this room?



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1 A. I understand that this gentleman is a 2 videographer. 3 Q. Okay. Did you bring your own camera 4 today? 5 A. I have -- my camera's here. 6 Q. Are you also recording proceedings today? 7 A. Yes. 8 MR. BOWMAN: Okay. I'd like to ask the 9 court reporter to mark a document as Exhibit 2. 10 (Exhibit 2 11 marked for identification.) 12 BY MR. BOWMAN: 13 Q. Mr. Slate, do you recognize this 14 document? 15 A. No. 16 Q. Flip to the second page. 17 Do you recognize this document? 18 A. It looks like -- it looks like a fax that 19 I sent. 20 Q. When did you send that fax? 21 A. The document says 15:57:05. 22 Q. What do you understand that to mean?	9	1 A. Because I told you that I was going to in 2 a prior conversation and the rules say that with 3 notice I'm allowed to record the deposition. So 4 I'm recording it. 5 Q. When was that prior conversation? 6 A. I don't recall the exact date. 7 Q. Okay. What right under the rules do you 8 believe gives you the right to make a second 9 recording of the deposition? 10 A. I don't recall. 11 Q. Mr. Slate, will you please turn off the 12 recording? 13 A. I don't understand that I have to -- that 14 I have to turn off the recording. 15 Q. Are you refusing to turn off your 16 independent recording of the deposition? 17 A. I don't understand that if I've told you 18 that I'm -- that I was going to record, and I'm 19 recording the same way that you're recording, I 20 don't understand that I am compelled to shut off 21 the camera. 22 Q. Okay. We are going to continue this	11
1 A. I don't. 2 Q. Let me ask you again, when did you send 3 the fax? 4 A. Which fax? 5 Q. The fax you're looking at right now, sir. 6 A. I mean, the question presumes that this 7 is the fax I sent. I said it looks like a fax that 8 I sent to you. 9 I don't understand the question. 10 Q. Okay. My understanding is that this 11 looks like a fax that you sent. 12 When did you believe -- when do you 13 believe that you sent that fax? 14 A. Well, the fax that I sent that said per 15 our conversation I'm going to create my own 16 recording of today's deposition, I sent this 17 morning, along with a letter. 18 Q. Okay. Does this appear to be the letter 19 that you sent with that fax, sir? 20 A. I -- it looks like the letter. 21 Q. Okay. Mr. Slate, why are you recording 22 this morning's deposition independently?	10	1 deposition. We have contacted chambers about this 2 issue. We would invite you to stay until we hear 3 back from chambers so that we may resume the 4 deposition as soon as possible. 5 Will you do that? 6 A. Of course. 7 MR. BOWMAN: Okay. Off the record, 8 please. 9 VIDEOGRAPHER: Off the record at 10 12:03:38. 11 (Recess taken at 12:03 p.m.) 12 (Deposition resumed at 12:34 p.m.) 13 VIDEOGRAPHER: On the record at 12:34:53. 14 MR. BOWMAN: For the record, we're back 15 at the continued deposition of Gregory Slate, the 16 plaintiff in this case. 17 For the record, we will note that 18 Mr. Slate has set up his own video recording 19 equipment, recording both himself and counsel in 20 this case, over the objections of counsel for 21 defendants. 22 We have called chambers to request	12



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13 1 guidance on this issue. However, having not heard 2 back, we are going to proceed with the deposition, 3 while noting our objection. 4 THE WITNESS: And I note that my camera 5 equipment is pointed at me. 6 MR. SIEGEL: Well, I'll just note for the 7 record that the equipment shows both counsel and 8 Mr. Slate. We've asked Mr. Slate to turn it only 9 towards himself and not show counsel. And he's not 10 done so. 11 And that we will reserve our right to 12 file a motion asking that the recording Mr. Slate's 13 being made, which we believe is improper, will be 14 turned over to the court and no copy of it may be 15 retained. 16 THE WITNESS: I oppose that motion and I 17 have noticed you that I'm going to do the recording 18 well in advance. And I understand that the rules 19 allow me to do that. So I'd love to proceed. 20 MR. SIEGEL: I will state for the record 21 with Mr. Bowman that there was certainly no notice 22 and no conversation that I participated in, in	15 1 testimony on other occasions? 2 A. Define "sworn testimony," please. 3 Q. Testimony under oath. 4 A. Yes. 5 Q. What were those occasions? 6 A. Can you define "occasions"? 7 Q. What were those times that you have given 8 testimony under oath? 9 A. I can't recall all of them. 10 Q. Tell me what you can recall. 11 A. I recall giving -- being sworn in for a 12 trial, hearings in Maryland. 13 Q. Do you remember what hearings in 14 Maryland? 15 A. I recall one that was relative to a 16 traffic citation I received. 17 Q. Remember about when that was? 18 A. Define "when." I can't be precise. I 19 don't recall. If "when" means the exact date, I 20 don't recall. 21 Q. Do you recall approximately when that 22 was?
14 1 which Mr. Slate ever stated that he was planning to 2 record this deposition. 3 THE WITNESS: I would note that you only 4 ever participated in one conversation with me. 5 MR. SIEGEL: Okay. 6 MR. BOWMAN: I'll state for the record 7 that I do not recall any conversation in which you 8 made your intent clear to record this deposition. 9 We received a facsimile transmission from you this 10 morning, approximately an hour before the 11 deposition was scheduled to begin, purporting to 12 put us on notice. 13 THE WITNESS: The fax said per our 14 conversation I'll be recording. All right. I 15 don't remember exactly what it said, but I believe 16 it referenced our prior conversation. And you 17 never disputed that. Counsel didn't dispute it. 18 BY MR. BOWMAN: 19 Q. Mr. Slate, have you ever had your 20 deposition taken before? 21 A. No. 22 Q. Okay. Have you ever given sworn	16 1 A. Some -- approximately between the years 2 of 2004 and 2006. 3 Q. Okay. Sitting here today, do you recall 4 any other instances in which you have given sworn 5 testimony? 6 A. Can you define "testimony"? 7 Q. What don't you understand about that 8 question? 9 A. I don't understand exactly what 10 "testimony" means. 11 Q. Have you answered questions under oath? 12 A. Yes. 13 Q. When? 14 A. I've answered questions under oath when I 15 have, you know, completed driver's license 16 applications. 17 Q. Do you recall any instances in which you 18 have given oral testimony under oath, other than 19 the traffic citation that you referenced? 20 A. Can you define "oral"? 21 Q. Really? 22 A. I'm asking you -- I'm asking you to be



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17 1 more specific about your question. I don't 2 understand the question. It seems very broad to 3 me. 4 Q. Okay. Do you recall instances other than 5 the traffic citation in which you have given 6 verbal, spoken testimony, under oath? 7 A. Yes. 8 Q. What are those instances? 9 A. I once took an oath of office recently. 10 Q. What was that for? 11 A. As an elected representative. 12 Q. What position? 13 A. It was at my school. I don't recall 14 exactly. The position was -- it was a school 15 organizational position. I think they call it 16 senator. 17 Q. What school is that? 18 A. The University of the District of 19 Columbia. 20 Q. Do you recall any other instances in 21 which you have given verbal or oral testimony? 22 A. I do not recall at this time.	19 1 to complete a typical full load of courses within 2 one academic year. 3 Q. Okay. Does that not apply to you? 4 A. I don't -- I don't think so, no. 5 Q. Why not? 6 A. Because I'm not taking as many classes as 7 other people are, most people do in their first 8 year. 9 Q. Are you a part-time student? 10 A. I don't think I would be considered a 11 full-time student. 12 Q. So is the answer to the question yes? 13 A. You seem frustrated when I ask you to 14 define things. So I -- the answer to the question 15 is I don't think I'd be considered, as I answered 16 it before. 17 Q. Okay. Mr. Slate, have you spoken to 18 anyone about today's deposition? 19 A. Yes. 20 Q. Who? 21 A. I recall speaking to the judge 22 referencing today's deposition, today in front of
18 1 Q. Mr. Slate, what are you studying at the 2 University of the District of Columbia? 3 A. I'm studying law. 4 Q. How long have you been a law student? 5 A. Few months. 6 Q. So you started in fall of 2010? 7 A. I think -- I don't recall the exact date. 8 Q. Do you recall whether it was last fall? 9 A. I think classes started sometime in 10 September of 2010. 11 Q. That is when you started law school? 12 A. That's my recollection. 13 Q. So you're currently a first-year law 14 student? 15 A. Can you define "first-year law student"? 16 Q. Is this your first academic year as a law 17 student? 18 A. I don't think you're defining the same 19 way that I've seen other people define it. But I 20 think the answer to your question is yes. 21 Q. Okay. How would you define it? 22 A. I would define it as someone who is going	20 1 Judge Howell. 2 Q. Anyone else? 3 A. Not that I can recall at this time. 4 Well, let me correct that. Obviously 5 I've spoken with you, Mr. Chad Bowman, and you, 6 Mr. Nathan Siegel, and the other individuals here 7 in the room today. 8 Q. Do you recall talking to anyone else 9 about the substance of your deposition today? 10 A. I already answered that question. 11 Q. I'm going to take a few minutes, 12 Mr. Slate, just to go through some general 13 background questions. 14 How old are you? 15 A. 27. 16 Q. And what's your date of birth? 17 A. April 8th, 1983. 18 Q. Where were you born? 19 A. Charleston, West Virginia. 20 Q. Is that where you grew up? 21 A. I wouldn't -- I wouldn't say that's where 22 I grew up.



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21 1 Q. Where did you grow up? 2 A. A variety of places. 3 Q. Where were they? 4 A. I grew up in the United States of 5 America. 6 Q. Okay. What states? 7 A. Can you define "grew up"? 8 Q. During your childhood, until you were 18 9 years old, what were the states where you lived? 10 A. I lived in West Virginia, I lived in New 11 Jersey, I lived in Florida, I lived in North 12 Carolina, and I lived in Maryland. 13 Q. Okay. Where are your parents? 14 A. My mother is in Maryland, my father is in 15 West Virginia. 16 Q. And what are their names? 17 A. Jeff -- rather, my stepfather's name is 18 Jeffrey Johnson. He's in Maryland. My mother's 19 name is Teresa Johnson. She's in Maryland. My 20 father's name is Clinton Slate. He's in West 21 Virginia. 22 Q. Okay.	23 1 A. Yes. 2 Q. Where did you attend high school? 3 A. Harding University High School. 4 Q. Where is that? 5 A. In Charlotte, North Carolina. 6 Q. Did you graduate from there? 7 A. I did not. 8 Q. Did you graduate from high school? 9 A. Yes. 10 Q. Where did you graduate from high school? 11 A. Home school. 12 Q. And when was that? 13 A. I recall approximately 1999, 2000. 14 Q. Okay. Did you attend college? 15 A. Yes. 16 Q. Where did you attend college? 17 A. You're asking everywhere that I ever 18 took -- 19 Q. Yes. 20 A. Well, could you just be clear, where 21 did did I attend college, just what exactly -- 22 Q. I guess where would you consider yourself
22 1 A. Just like to -- you asked me where my 2 parents were before. I understood your question to 3 mean where my biological parents were. So I 4 answered the question to West Virginia and 5 Maryland. It's a -- I don't think we necessarily 6 define things the same way in a lot of instances. 7 Q. Okay. Do you have any siblings? 8 A. I do. 9 Q. What are their names? 10 A. Jonathan Johnson, Tyler Johnson, 11 Christopher Slate. 12 Q. What state does each one of them live in? 13 A. Jonathan resides in Maryland. Tyler 14 lives in Maryland. And the last time I knew, 15 Christopher was in Iraq. 16 Q. He's in the military? 17 A. I -- I think he is in the Army. 18 Q. Mr. Slate, are you married? 19 A. No. 20 Q. Have you ever been married? 21 A. No. 22 Q. Did you attend high school?	24 1 to have matriculated as a student, taking classes? 2 A. University of Maryland College Park. 3 Q. What did you study there? 4 A. Government and politics, sociology. 5 Q. Did you earn a degree? 6 A. Yes. 7 Q. What degree was that? 8 A. Bachelor of Arts, I believe. 9 Q. And when was that? 10 A. I recall it being awarded 2006. 11 Q. Was that a spring of 2006, summer, fall? 12 A. I recall it being December, 2006. 13 Q. Did you maintain a University of Maryland 14 e-mail address after graduation? 15 A. Can you define "maintain"? 16 Q. Did you use a University of Maryland 17 e-mail address after your graduation? 18 A. Yes. 19 Q. Do you still have it? 20 A. Can you define "have"? 21 Q. Do you still use a University of Maryland 22 e-mail address or have access to a University of



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25 1 Maryland e-mail address? 2 A. I can't send e-mails from the University 3 of Maryland e-mail address. 4 Q. Okay. Why not? 5 A. I don't have the ability to. 6 Q. And why is that? 7 A. Because I don't have a log-in and 8 password to. 9 Q. Okay. When did that -- when did you stop 10 having a log-in and password to the University of 11 Maryland e-mail address? 12 A. I don't recall. 13 Q. Do you recall about how long it was after 14 your graduation? 15 A. No. 16 Q. Have you done any postgraduate work, 17 other than the law school we talked about earlier? 18 A. Could you define "postgraduate work"? 19 Q. Since your graduation from the University 20 of Maryland have you done any other academic work, 21 other than the law school we talked about earlier? 22 A. Not that I recall.	27 1 A. I don't recall the names of all the 2 courses. 3 Q. Did you take those courses while you were 4 at University of Maryland or did you take them 5 somewhere else? 6 A. I don't recall. 7 Q. Did you take them in Georgia at FLETC or 8 did you take them at a different campus? 9 A. I didn't take them in Georgia. 10 Q. Do you recall where you took them? 11 A. I recall that they were administered by a 12 professor at the university of -- a university from 13 California. 14 Q. Did you take them online? 15 A. Can you define "take them online"? 16 Q. Did you go to California to take the 17 classes? 18 A. No. 19 Q. Okay. Where did you -- where were you 20 physically when you took the classes? 21 A. I don't -- more than one place. 22 Q. What do you remember?
26 1 Q. Do you have any other educational 2 training or certification? 3 A. Yes. 4 Q. What is that? 5 A. I have -- I attend -- I have a 6 certificate of nonprofit management from Duke 7 University. I have a certificate of hate and bias 8 crime investigation from the Federal Law 9 Enforcement -- they call it -- I don't recall what 10 the acronym stands for. It's a certificate, it's 11 issued by a few different places. 12 Q. Is that the Federal Law Enforcement 13 Training Center, or FLETC? 14 A. I believe so. 15 Q. How did you come to get a certificate 16 from FLETC? 17 A. I recall that they were offering a 18 program in conjunction with the Southern Poverty 19 Law Center and a state university in California. 20 And the courses I took, I had to take those to 21 receive that certificate. 22 Q. What courses did you take?	28 1 A. I really just recall writing the papers. 2 I don't recall. 3 Q. Okay. Did you go to a classroom? 4 A. No. 5 Q. How did you submit your papers? 6 A. Over the Internet. 7 Q. And for the Duke certificate, did you go 8 to Duke to take classes? 9 A. Yes. 10 Q. Where do you currently live, Mr. Slate? 11 A. In Maryland. 12 Q. What's the address? 13 A. 1832 West Fayette Street. 14 Q. Is that a single-family home? 15 A. Can you define "single-family home"? 16 Q. Is it a detached house? Is it a row 17 house? What is that physically? 18 A. It's a -- I don't think it's a detached 19 house. 20 Q. Do you own that property? 21 A. Yes. 22 Q. When did you purchase it?



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29 1 A. 2004. 2 Q. Anyone else live there? 3 A. Yes. 4 Q. Who? 5 A. My mother, my stepfather, my brother. 6 Q. And which brother is that? 7 A. Tyler. 8 Q. Do you own any other property? 9 A. Yes. 10 Q. What other properties do you own? 11 A. Define "property." 12 Q. Real estate. 13 A. I own other -- I own other property in 14 Maryland. 15 Q. Do you know those addresses? 16 A. 7401 18th Avenue. 17 Q. Is that in Baltimore? 18 A. No. It's in Prince George's County. 19 Q. Are there others? 20 A. 431 South Smallwood Street. 1824 North 21 Chapel Street. 22 Q. Okay. Are there others?	31 1 A. Which other two? 2 Q. You identified 431 South Smallwood Street 3 and 1804 North Chapel Street. 4 A. I'm not currently renting those. 5 Q. When did you purchase those three 6 properties? 7 A. I don't recall. 8 Q. In the last five years? 9 A. Sorry, what? 10 Q. Was that within the last few years? 11 A. Define "few." 12 Q. Do you recall approximately when you 13 purchased any of those properties? 14 A. I answered that question. I said I don't 15 recall. 16 Q. Okay. The North Smallwood -- or the 17 South Smallwood Street, is that also in PG County? 18 A. I don't have a property at North 19 Smallwood Street. 20 Q. I'm sorry, South Smallwood Street, is 21 that also in PG County? 22 A. No.
30 1 A. Not that I recall. 2 Q. What are those properties? 3 A. I don't understand the question. 4 Q. Okay. Are those commercial properties? 5 A. No. 6 Q. Are those residential properties? 7 A. Can you define "residential property"? 8 Q. Do people live at those addresses? 9 A. People have lived at those addresses. 10 Q. Do people currently live at those 11 addresses? 12 A. Some of them. 13 Q. Okay. Are they rental properties? 14 A. Define "rental property." 15 Q. Do you rent those properties? 16 A. Occasionally. 17 Q. Are you currently renting any of those 18 properties? 19 A. Yes. 20 Q. Which ones? 21 A. The 7401 18th Avenue. 22 Q. Okay. But not the other two?	32 1 Q. Where is that? 2 A. Baltimore City. 3 Q. And how about the North Chapel Street? 4 A. How about what? 5 Q. Is that also in Baltimore? 6 A. It's in Baltimore City. 7 Q. Okay. So you identify that you currently 8 live at West Fayette Street. 9 Where else have you lived since you were 10 18 years old? 11 A. I don't recall everywhere I lived since I 12 was 18 years old. 13 Q. Tell me what you do remember. 14 A. I don't -- what's the question? 15 Q. Tell me what addresses you remember 16 living at since you were 18 years old. 17 A. 1832 West Fayette Street. 18 Q. Okay. Any other addresses? 19 A. 7401 18th Avenue. 1708 Kilbourne Place, 20 Northwest. That's all I can recall right now. 21 Q. Do you recall approximately when you 22 lived at each of those addresses?



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33 1 A. I recall that I lived 7401 18th Avenue 2 around the time that I was attending the University 3 of Maryland. 4 Q. About what years were those? 5 A. Approximately 2005, 2006. 6 Q. Okay. 7 A. Can I have some more water? 8 Q. Of course. We can take a short break. 9 A. We don't have to break. 10 Q. As long as you don't -- 11 A. I just want to get some water. You don't 12 mind if I bring the pitcher over, do you? Thanks. 13 It's just really hot in here. Your 14 secretary said that they were trying to fix the 15 heater. It's been on since we've been here. 16 Q. Okay. So you testified that you lived at 17 the 18th Avenue address around 2005, 2006. 18 Where did you live after that? 19 A. 1708 Kilbourne Place, Northwest. 20 Q. Okay. So you moved from the 18th Avenue 21 place to Kilbourne Place. 22 How long did you live at the Kilbourne	35 1 MR. BOWMAN: I'm going to ask the court 2 reporter to mark as Exhibit 3 a document, which 3 I'll represent is a -- 4 THE REPORTER: Hold on, please. 5 (Exhibit 3 6 marked for identification.) 7 BY MR. BOWMAN: 8 Q. Which I'll represent is a printout of a 9 docket sheet from the Baltimore Circuit Court of an 10 action captioned Gregory A. Slate versus Alyson 11 Haydel. 12 Does this refresh your recollection, 13 Mr. Slate, about an action? 14 A. Does what refresh my recollection? 15 Q. Seeing the docket sheet. 16 A. I haven't seen it. 17 Q. I believe the court reporter handed it to 18 you. 19 A. What's the question? 20 Q. Does this refresh your recollection about 21 whether or not you filed a lawsuit in 2006 against 22 Alyson Haydel and other defendants?
34 1 Place address? 2 A. Few years. 3 Q. So until approximately? 4 A. Approximately 2010. 5 Q. And then in 2010, is that when you moved 6 to the West Fayette address? 7 A. I don't exactly recall when I moved, but 8 I think so. 9 Q. Have you ever used the address 1220 L 10 Street, Suite 100-164? 11 A. Define "use." 12 Q. Identified that as your address. 13 A. Not that I recall. 14 Q. Sure about that? 15 A. What's the question? 16 Q. Okay. Do you recall filing a lawsuit in 17 Baltimore Circuit Court in about May, 2006, against 18 Alyson Haydel and other defendants? 19 A. Can you -- I don't recall. 20 Q. Do you recall filing the lawsuit against 21 Alyson Haydel and other defendants? 22 A. I don't recognize that name.	36 1 A. No. 2 Q. You don't recall filing a lawsuit? 3 A. I recall filing lawsuits through an 4 attorney in Baltimore City to -- you know, at 5 various points. 6 Q. Okay. Do you recall filing the pro se 7 lawsuit against Alyson Haydel? 8 A. No. 9 Q. Okay. Do you see the address listed for 10 Gregory A. Slate in this docket sheet? Do you see 11 that. 12 A. No. 13 Q. Does that read 1220 L Street? 14 A. Does what read 1220 L Street? 15 Q. The address. Plaintiff, Gregory A. 16 Slate, 1220 L Street, do you see that? 17 A. I see at one point on the document 18 Gregory A. Slate. I see at another point on the 19 document 2450 E-U-T-A-W Place, Baltimore, Maryland, 20 21217. I see at other points on the document 4244 21 North Gay Street. I see at another point on the 22 document 124 Slade Avenue. I see on the document



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37 1 100 North Holliday Street. I see on the 2 document -- 3 Q. Okay, thank you. 4 A. -- 1220 L Street, Washington, D.C. 5 Q. All right, Mr. Slate. You've answered 6 the question. 7 Did you file a lawsuit in 2007 in 8 Baltimore Circuit Court against Daniel Segar and 9 other defendants? 10 A. I don't recall. 11 MR. BOWMAN: Okay. I'd ask the court 12 reporter to mark as Exhibit 4 -- 13 (Exhibit 4 14 marked for identification.) 15 BY MR. BOWMAN: 16 Q. -- a document that I'll represent is a 17 printout of the docket sheet. 18 Mr. Slate, were you represented by Andrew 19 Wallace Gray? 20 A. Define "represented." 21 Q. Did you retain Andrew Wallace Gray as 22 your attorney?	39 1 Q. Did you ever have access to an address at 2 1220 L Street? 3 A. Can you define "access" and "address"? 4 Q. Do you know what 1220 L Street is? 5 A. No. 6 Q. Do you know what 1220 L Street, 7 Suite 100-164, is? 8 A. I don't recall. I don't know. 9 Q. Did you ever know? 10 A. I don't recall. 11 Q. Is that an address used by the Police 12 Complaint Center? 13 A. Again, I would ask that you define 14 "address" and "used" and "Police Complaint Center." 15 Q. Do you know what the Police Complaint 16 Center is, Mr. Slate? 17 A. No. 18 Q. Have you ever identified yourself as 19 working with the Police Complaint Center? 20 A. Don't recall. 21 Q. Do you know who Diop Kamau is? 22 A. Yes.
38 1 A. I don't recall. 2 Q. Okay. You said that you don't recall 3 filing a case against Daniel Segar and Edward 4 Gallagher and the mayor and city council in 5 Baltimore? 6 A. I don't recognize all the names that 7 you're saying. I know that at times when -- no, I 8 don't recall. 9 Q. Okay. Was Mr. Gray authorized to file 10 lawsuits on your behalf? 11 A. I don't recall. 12 Q. Mr. Slate, did you file a lawsuit in 13 August of 2008 in Baltimore Circuit Court against 14 Tiffany Fickling? 15 A. I don't recall. 16 Q. Do you recall whether Tiffany Fickling 17 brought a lawsuit against you in Baltimore Circuit 18 Court? 19 A. I don't recall. 20 Q. Okay. Do you currently have access to an 21 address at 1220 L Street? 22 A. No.	40 1 Q. Who is Diop Kamau? 2 A. A person. 3 Q. Do you understand him to be associated 4 with any organization? 5 A. ABC News. 6 Q. Do you understand him to be associated 7 with any other organization besides ABC News? 8 A. Not that I recall. 9 Q. Have you ever heard the term "Police 10 Complaint Center" before? 11 A. Yes. 12 Q. When did you hear that term? 13 A. I heard you say it before. 14 Q. When else? 15 A. I don't recall. 16 Q. When is the first time you do recall 17 hearing the term "Police Complaint Center"? 18 A. I recall Glenn Ruppel saying it. I don't 19 recall exactly when. 20 Q. Okay. So your testimony today is the 21 first time you remember hearing the term "Police 22 Complaint Center" is from Glenn Ruppel?



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41 1 A. No. 2 Q. Okay. What is the first time you recall 3 hearing the term "Police Complaint Center"? 4 A. I don't recall. 5 Q. But what is the first time -- is it true 6 the first time you recall hearing that term is from 7 Glenn Ruppel? 8 A. I recall Glenn Ruppel saying it. I don't 9 recall if that's the first time. I don't have a 10 clear chronological order of all times that I've 11 ever heard those words uttered. 12 Q. Okay. Do you remember about when you 13 think you heard Glenn Ruppel use that term? 14 A. 2008, approximately. 15 Q. Okay. And so just so I understand your 16 testimony, sitting here today, you can't recall a 17 time before 2008 when you heard the term "Police 18 Complaint Center"; is that correct? 19 A. No. 20 Q. It's not correct? Why isn't that 21 correct? 22 A. Because I'm not sure of the dates of	43 1 Q. Okay. Do you recall anybody else, 2 sitting here today? 3 A. I recall other people, hearing other 4 people say it. I couldn't -- I don't know off the 5 top of my head who. 6 Q. Okay. Do you have an understanding of 7 what the Police Complaint Center is? 8 A. I don't -- I don't have a clear 9 understanding of what it is at this -- no. 10 Q. What is your understanding, even if it's 11 not clear, of what the Police Complaint Center is? 12 A. What -- 13 THE REPORTER: I'm sorry, I didn't 14 understand that. I just didn't hear what you said. 15 THE WITNESS: I said that my 16 understanding, that it's what Diop Kamau calls 17 himself. 18 BY MR. BOWMAN: 19 Q. Do you have any understanding of whether 20 the Police Complaint Center has employees? 21 A. I do. 22 And I also recall Greg Miller saying it,
42 1 every time I heard someone say those words. 2 Q. Okay. So I understand, your testimony is 3 there are other times you've heard that, but you 4 don't know when those were, correct? 5 A. I don't know the exact dates. I don't 6 know that it was before -- I don't have a clear 7 recollection of the dates that I heard those terms. 8 Q. Tell me about the other times you recall 9 hearing about the Police Complaint Center, even if 10 you don't recall the dates. 11 A. I recall hearing it on television. 12 Q. Any place else? 13 A. I recall hearing various people say it. 14 Q. Do you recall who those people were? 15 A. Glenn Ruppel, Michael Mendelsohn, Sam 16 Avila. I think that's all -- well, I recall other 17 people having said it. I don't recall exactly 18 everyone that's ever used the term. 19 Q. But to the best of your memory today, 20 that's what you recall? 21 A. I recall those individuals saying it, 22 yeah.	44 1 Police Complaint Center. 2 Q. What is your understanding about whether 3 the Police Complaint Center has employees? 4 A. I understand that Diop Kamau, Police 5 Complaint Center, has employees. 6 Q. Do you understand that Diop Kamau, Police 7 Complaint Center, have a place of business? 8 A. No. 9 Q. Mr. Slate, who are the employees of the 10 Police Complaint Center or Diop Kamau? 11 A. Greg Miller said he was an employee of 12 Diop Kamau. Rather, he said -- my recollection, he 13 said that he worked for him. 14 Q. Okay. Do you have any knowledge of any 15 other employees of the Police Complaint Center or 16 Diop Kamau? 17 A. No. Not that I can recall, sorry. 18 Q. Let's take a few minutes and walk through 19 your various interactions with ABC. 20 Mr. Slate, did there come a time in 2006 21 that you worked on an ABC story in Cincinnati, or 22 for WCPO in Cincinnati?



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45 1 A. No. 2 Q. What was the first time you worked with 3 ABC? 4 A. Well, I understood the first question to 5 be was there a time that I worked for ABC, and now 6 you're asking me the first time I ever worked with. 7 Q. Oh, so it's the -- it's the language of 8 "with" or "for." Okay. Let's take a step back. 9 Did there come a time that you worked 10 either with or for ABC on a story? 11 A. Define "a story." 12 Q. A broadcast news report. 13 A. I have talked with people at ABC about 14 potential broadcasts. 15 Q. Okay. What's the first instance that you 16 recall? 17 A. Of what? 18 Q. Talking to somebody at ABC about a 19 potential broadcast. 20 A. Can you define "ABC"? 21 Q. You just testified that you've spoken 22 with people from ABC.	47 1 A. I think they just said mine, my work. 2 Q. Okay. Did you take them up on their 3 offer? 4 A. I don't recall if I took that particular 5 person up on that offer. I don't think I did. 6 Q. Okay. 7 A. I don't know what "offer" means. It 8 wasn't clear from the conversation what they were 9 offering exactly. It was a brief, sort of -- my 10 recollection, it was a pretty brief telephone 11 conversation. It wasn't -- I don't think that 12 anything -- I don't recall anything more than a 13 telephone call. 14 Q. Okay. What was the next time you 15 remember having a communication with someone 16 associated or affiliated with ABC? 17 A. I don't have a clear recollection in my 18 head right now of all the times in order that I 19 spoke with people from ABC. As a journalist, I've 20 had the opportunity to speak with a lot of 21 different people from a lot of different places. 22 So, I mean, I really don't recall in order
46 1 What's your understanding of ABC? 2 A. I don't have a clear understanding of 3 ABC. 4 Q. Okay. To your best of your 5 understanding, what was the first time you spoke 6 with anybody affiliated with ABC or an ABC 7 affiliate about a story? 8 A. The question is the very first time I 9 ever spoke to an employee of ABC or an ABC 10 affiliate about a potential story, is that the 11 question? 12 Q. That's the question. 13 A. Approximately 2004, 2005. 14 Q. What do you remember about that? 15 A. Someone called me up. They were -- 16 someone called me, said they were from -- I recall 17 them saying an ABC affiliate. Had seen my work, 18 asked me if I was interested to come, in coming 19 somewhere, I'm trying to remember, somewhere out 20 west. 21 Q. Okay. Do you remember what work they had 22 seen?	48 1 everybody that I ever talked to from ABC. 2 Q. Okay. Do you recall speaking with Glenn 3 Silber? 4 A. I recall -- I don't recall speaking with 5 Glenn Ruppel -- or Glenn Silber is what you asked? 6 Q. Uh-huh, yeah. 7 A. Glenn Silber, I don't recall. 8 Q. Okay. Do you recall speaking with Mike 9 Mendelsohn? 10 A. I recall speaking with Mike. 11 Q. What do you recall about speaking with 12 Mike Mendelsohn? 13 A. That we spoke. 14 Q. What did you speak about? 15 A. Various things. 16 Q. What do you recall? 17 A. I recall telling him about some stuff 18 that I was working on. 19 Q. Did he call you or did you call him? 20 A. When? 21 Q. The first time you spoke with him. 22 A. I don't recall.



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49 1 Q. Do you know how he got your name or how 2 you were connected with him? 3 A. I think he had seen my work as a 4 journalist. I can't really speak for him. Your 5 question asks me to speak for Mike Mendelsohn, and 6 I can't speak for Mike. 7 Q. Did you accompany Mike Mendelsohn on 8 filming in June of 2006? 9 A. Define "accompany." 10 Q. Did you and Mike Mendelsohn work together 11 in June of 2006? 12 A. Mike and I talked in 2006. Mike and I 13 met in 2006. 14 Q. Did you accompany or go with him on a 15 filming project in June of 2006? 16 A. Go with him from where to where? I don't 17 understand. 18 Q. Did you do any filming for Mike 19 Mendelsohn or with Mike Mendelsohn in 2006? 20 A. So there are two questions, did I do 21 any -- I mean, I don't -- not that I recall. 22 Q. Okay. Did ABC pay you for any work in	51 1 questions. 2 When I say "ABC," I mean American 3 Broadcasting Company, the parent, the broadcast 4 network, and not the affiliates for now. Let's 5 talk about ABC. 6 Did an ABC affiliate contact you in 2006? 7 A. Wait, I thought what you just said was 8 that you were going to talk -- 9 Q. I'm talking about -- 10 A. Hold on a second, let me finish. 11 I just what you just said was you were 12 going to ask me questions with ABC, American 13 Broadcasting Company, not the affiliates. And then 14 the question you just asked was I understood to 15 mean about the affiliates. 16 Can you read back the record starting 17 from when he said -- 18 Q. Let me -- 19 A. Just hold on a second. I'm asking her if 20 she'll read back the record of what he said in his 21 question. 22 Q. I'm going to withdraw the question.
50 1 2006? 2 A. Not that I recall. 3 Q. Did ABC reimburse any expenses from you 4 in 2006? 5 A. Not that I recall. I don't have a 6 clear -- you're saying "ABC" and I don't -- I just 7 don't have a clear -- you're sort of switching back 8 and forth between ABC affiliates, Michael 9 Mendelsohn, and I don't have a clear understanding 10 of what you, as you quickly switch back and 11 forth -- you're making those references, "work 12 for," "work with." You're just switching and I 13 don't have clear definitions on the table. So it 14 becomes very difficult for me to answer your 15 questions honestly when you're switching the 16 language that you're using to describe these 17 things. 18 Q. Well, let's make a definition. For ease 19 of reference, when I say "ABC," let's say ABC 20 includes the ABC network, ABC affiliates, and 21 people associated with ABC. 22 Actually, why don't I ask more specific	52 1 A. I'm asking her to read back the record. 2 Q. Mr. Slate, I'm going to withdraw the 3 question. I'll explain it and go forward. 4 A. So she won't -- you won't read back the 5 record? 6 Q. I've withdrawn the question. Let me -- 7 going forward, I will ask you specifically about 8 affiliates and specifically about ABC. And if I 9 say "ABC," let's have that be the parent company. 10 Is that -- 11 A. So you're going to keep switching back 12 and forth. You're saying -- 13 Q. I'll make clear in each question what I'm 14 asking about. 15 Does that make sense? 16 A. That makes sense, but that's not what you 17 said before. 18 Q. Yes. I apologize for any confusion. 19 Let's clear that up. 20 In 2006 did you work with an ABC 21 affiliate on a story? 22 A. Define "work with."



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53 1 Q. Did you cooperate with, share tape with, 2 or otherwise collaborate with an ABC affiliate on a 3 story in 2006? 4 A. 2006, I recall showing footage I had shot 5 to an ABC affiliate and having conversations with 6 people who identified themselves as working for 7 what I understood to be an ABC affiliate and what I 8 understood to be ABC. 9 Q. Okay. And who were those people? 10 A. I don't recall all of them. 11 Q. Who do you recall? 12 A. I recall talking to Mike Mendelsohn in 13 2006. 14 Q. Okay. And so you showed footage -- 15 A. I think it was 2006. 16 Q. So you recollect showing footage to 17 Mr. Mendelsohn. 18 Do you recall whether an affiliate showed 19 any footage of yours on the air? 20 A. So two questions. Do I recall showing 21 Mendelsohn footage, and do I recall an ABC 22 affiliate showing my footage on the air?	55 1 aired -- 2 Q. If you have an understanding. 3 A. -- by -- my understanding is that an 4 affiliate aired footage. 5 Q. How did they get the footage, if you 6 know? 7 A. You want me to guess exactly how they got 8 the footage? 9 Q. Do you know how they got the footage? 10 A. I mean, I think I said this before, that 11 I had showed them the footage. 12 Q. Did you give them a copy of the footage? 13 A. You keep saying "them." I showed 14 Mendelsohn the footage. 15 Q. Did you give a copy of the footage to 16 Mr. Mendelsohn? 17 A. Define "give." 18 Q. Did you physically provide Mr. Mendelsohn 19 with a copy of the footage? 20 A. I recall showing it to him. 21 Q. Where did you show it to him? 22 A. I don't -- I don't recall exactly. Could
54 1 Q. I think you answered the first question. 2 I was prefacing that with the second. 3 Do you recall whether any of that footage 4 was shown on the air? 5 A. Define "on the air." 6 Q. Was broadcast. 7 A. I don't recall seeing it broadcast. 8 Q. Do you have an understanding of whether 9 any of that footage was broadcast? 10 A. Do I have an understanding of whether my 11 footage was ever broadcast by an ABC affiliate? 12 Q. In 2006. 13 A. In 2006. I understand that my footage 14 was broadcast in 2006, without -- yeah, without my 15 permission. 16 Q. You say without your permission? 17 A. What's the question? 18 Q. You said without your permission; is that 19 correct? 20 A. That's what I said. 21 Q. How did that come to happen? 22 A. I -- how did my footage come to be	56 1 have been either Cincinnati or -- 2 THE REPORTER: I'm sorry, or where? 3 THE WITNESS: Cincinnati or New York. 4 BY MR. BOWMAN: 5 Q. Do you still have a copy of that footage? 6 A. I'm not sure. 7 Q. Do you know what happened to it? 8 A. I'm not sure. 9 Q. But you don't remember giving it to 10 Mr. Mendelsohn or letting him copy it? 11 A. I recall showing Mendelsohn my footage. 12 Q. Okay. That wasn't precisely the question 13 I asked. 14 Do you remember giving it to him or 15 letting him copy? 16 A. I recall showing it to him. I can't be 17 certain about if that, in the process of the 18 showing, that the footage left my hard drive and 19 got saved on his hard drive or went from tape to 20 another recording device. I can't be certain about 21 if that happened in the process of the showing. 22 Q. What do you remember about the showing?



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57 1 Did you meet him in an office? 2 A. Like I said, I don't have a clear 3 recollection of, like, the where of it. It's 4 several years ago. 5 Q. Okay. And you say it was showed without 6 your permission. 7 Did you do anything afterwards? 8 A. I said I think -- my recollection is what 9 I said, it was broadcast without my permission. 10 Q. Did you do anything after it was 11 broadcast without your permission? 12 A. Did I do anything after it was broadcast 13 without my permission? 14 Q. Did you contact Mr. Mendelsohn? 15 A. Yes. 16 Q. Tell me about that. 17 A. I think Mike and I spoke at various 18 times. 19 Q. Tell me the first time you remember. 20 A. The order of contacts with people several 21 years ago, I don't have a clear recollection of. 22 Q. Okay. Tell me one of the ones you	59 1 Q. Okay. Did you contact him by phone? Did 2 you write him? What did you do? 3 A. I recall sending him a letter. 4 Q. Okay. When did you send him a letter? 5 A. I don't recall the exact date. I 6 couldn't recall the exact date. 7 Q. Do you recall about when that was? 8 A. My recollection, it was approximately 9 2006. 10 Q. Okay. Do you remember the summer, fall? 11 A. I don't have a clear recollection exactly 12 was season that the letter was sent. 13 Q. Do you remember the gist of the letter? 14 What was the point you were trying to get across? 15 A. I recall the point being, Mike, you know, 16 my footage was aired. One of the points was I 17 didn't have a clear understanding of the difference 18 between -- well, strike that. 19 One of the points was I thought that 20 there was communication, that there was -- that we 21 had a different understanding of. Basically there 22 was a disparity in our understanding of how my
58 1 remember speaking with Mr. Mendelsohn. 2 What do you recall as the substance of 3 that conversation? 4 A. Of which conversation? 5 Q. Any of the ones you recall. 6 A. I recall having conversation with him 7 telling me about how he and his wife were buying, 8 like, two co-op apartments or something, they were 9 going to tear down a wall and put them together. I 10 think they were just having some problems acquiring 11 the -- they were, like, negotiating with the other 12 people to buy the place next door and then I think 13 it may have been a co-op or something, like, to get 14 permission to tear down the wall. 15 I think they were having a baby. I 16 recall this long conversation about the baby and 17 buying the house and the wife. 18 Q. Okay. Let me be a little more specific. 19 What I'm asking is after you believe that 20 your footage was broadcast without your permission, 21 did you contact Mr. Mendelsohn about that? 22 A. Yes.	60 1 footage might be used. And I recall outlining some 2 terms, this is my position. 3 Q. What was the disparity in understanding? 4 Let's start with what was your understanding? 5 A. I recall saying in the letter something 6 roughly to the effect of we don't define the way -- 7 when you say "affiliate" and "ABC" or when you say 8 "ABC," it doesn't mean the same thing to me as it 9 does to you. I think you mean it a different way 10 than I mean it. 11 Q. And why was that important? 12 A. For clarity. 13 Q. Clarity about what? 14 A. In our communications. 15 Q. Communications about what? I'm not sure 16 I understand why that -- why you raised that point. 17 A. For clarity in our communications. 18 Q. Okay. And what was his understanding 19 related to the disparity? 20 A. I don't know that I -- I really can't 21 speak for Mike. 22 Q. So what terms did you outline?



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61 1 A. I don't recall all of the terms. 2 Q. What do you recall? 3 A. I recall saying if you want to use -- if 4 anybody wants to use my footage, they have to get a 5 licensing agreement and my footage belongs to me, 6 roughly. I think that's an approximation of two of 7 the points I recall making in that letter. 8 Q. Okay. Those were the two points 9 together, or was there other points? 10 A. What do you mean, "together"? 11 Q. You said those were two of the points. 12 If anyone wants the footage, they need a 13 licensing agreement from you. Is that one point? 14 A. I think that's -- I think that that's a 15 point. 16 Q. Okay. And what was the other one? 17 A. And that it was my footage that I shot. 18 Q. Belonged to you? 19 A. I roughly remember -- I don't have the 20 letter in front of me so it's hard to recall, but 21 I'm just trying to recall for you. 22 Q. Okay. Did you ever speak with	63 1 Q. Okay. Did he call you? 2 A. Can't be certain about the very first 3 time that we spoke, but I believe so. I think he 4 called me. 5 Q. Do you remember the purpose or substance 6 of the phone call? 7 A. He was saying that he was -- that he was 8 working on -- he kept talking about privilege and 9 something that he was working on to do with 10 privilege and that he had heard about stuff that I 11 was doing. And I remember not really -- it 12 wasn't -- he kept talking about privilege. I don't 13 -- do not remember exactly where he was coming 14 from. 15 Q. Okay. Did there come a time that you 16 talked to him about doing filming in Chicago? 17 A. Ruppel and I talked about Chicago. 18 Q. Okay. Tell me what you remember about 19 that. 20 A. I remember having a conversation with 21 Ruppel where, and this may have been over more than 22 one conversation, but I remember conversations with
62 1 Mr. Mendelsohn about the letter? 2 A. I don't recall. 3 Q. Did you ever get a written response from 4 Mr. Mendelsohn about the letter? 5 A. Not that I recall right now. 6 Q. Did you have any other correspondence 7 with Mr. Mendelsohn about what you described as the 8 disparity of understanding? 9 A. Define "correspondence." 10 Q. Written exchange, written communications. 11 A. Not that I recall right now. This stuff 12 happened a long time ago. 13 Q. And at some point did you come to speak 14 with Glenn Ruppel at ABC? 15 A. I've spoken with Glenn Ruppel. 16 Q. Do you remember the first time you spoke 17 with Mr. Ruppel? 18 A. I don't recall the exact date that I 19 spoke with Mr. Ruppel. 20 Q. Do you remember how it came about that 21 you spoke with Mr. Ruppel? 22 A. My recollection is on the telephone.	64 1 Ruppel where he was telling me that ABC didn't work 2 with or didn't -- was having problems working with 3 outside people on their news broadcasts because 4 they had just done a story about Dateline and their 5 relationship with perverted justice and it was a 6 negative story. And so they had some concerns 7 about any relationship with outside journalists 8 like me. 9 We had a conversation about recording 10 issues in Chicago and how he was trying to talk to 11 his ABC lawyers about ascertaining the legality of 12 recording in Chicago and Illinois, that there were 13 some laws that he didn't have clarity on, and that 14 he went out of his way to make a point that nothing 15 -- you know, that anything in Chicago, anything 16 with ABC, anything related to him, would not -- 17 they weren't doing anything in Chicago or having 18 anybody do anything on their behalf in Chicago that 19 involved anything that looked like surreptitious 20 recording until after he had conversations with his 21 lawyers. 22 I recall conversations like that. Or



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1 when I say "his lawyers," ABC's lawyers, until he 2 had clarity on some issues with that. 3 Q. Was that the first you remember of the 4 discussion about filming in Chicago? 5 A. Discuss -- you're saying "discussion 6 about filming in Chicago." I'm saying I don't have 7 a clear recollection of the chronological order of 8 conversations with Ruppel necessarily. 9 Q. Okay. How did you come to speak with 10 Mr. Ruppel in the first place? Did Mr. Ruppel tell 11 you how he got your number or how he got your name? 12 A. I seem to recall Mendelsohn coming up in 13 that conversation. I can't speak for Ruppel. 14 Q. But did he tell you? 15 A. I don't recall. 16 Q. Following the discussion about the 17 recording in Chicago, what happened next? 18 A. Like I said, I don't have a clear 19 recollection of when exactly the chronological 20 order of conversations with Ruppel. So what 21 exactly happened next, after that -- 22 Q. Did you at some point go to Chicago to do	65 1 A. I know I bought plane tickets to and from 2 Chicago for myself. I recall that. I recall 3 paying for hotel rooms while I was in Chicago. 4 Q. Okay. When did you buy plane tickets to 5 and from Chicago? 6 A. I can't say exactly. Approximately 7 sometime in 2007. 8 Q. Okay. How many sets of -- or how many 9 trips did you buy plane tickets for to go to 10 Chicago? 11 A. I don't recall the number. 12 Q. Do you recall what hotels you stayed at? 13 A. I don't recall every hotel I stayed at. 14 Q. Do you recall any of them? 15 A. I don't recall the names of the hotels I 16 stayed at. 17 Q. Did you coordinate with Diop Kamau or the 18 Police Complaint Center when you filmed in Chicago? 19 A. Can you define "coordinate"? 20 Q. Speak with Mr. Kamau about the scheduling 21 of the Chicago trips and filming. 22 A. I spoke with a number of people about 67
1 some filming? 2 A. I filmed in Chicago. 3 Q. Okay. Did you go to Chicago to film 4 specifically for Glenn Ruppel? 5 A. No. 6 Q. When did you go to Chicago to film? 7 A. I've been to Chicago to film at various 8 times, between I would say approximately '04 and 9 '08. 10 Q. Okay. Did you go to Chicago in August of 11 '07? 12 A. I recall going to Chicago in '07. Around 13 August, probably in August. I don't have the dates 14 and times about when everything happened, but I was 15 in Chicago in '07. 16 Q. Okay. Do you remember who made the 17 travel arrangements? 18 A. I was doing a lot of travelling to 19 Chicago at that time and various people made travel 20 arrangements. 21 Q. Okay. Did ABC make your travel 22 arrangements? 66	1 Chicago, what I was doing in Chicago. 2 Q. Did you speak with Mr. Kamau about 3 scheduling the trips to Chicago? 4 A. I -- I recall speaking with Mr. Kamau 5 about Chicago. 6 MR. BOWMAN: Mr. Slate, it's about 2:00 7 o'clock, and we haven't had a lunch break yet. It 8 might be time for a short break. 9 Want to take 45 minutes? 10 MR. SIEGEL: That means we'll be here 11 pretty late. 12 MR. Bowman: Half hour? 13 THE WITNESS: I don't know any place 14 around here. Probably an hour for lunch, because I 15 haven't eaten yet. 16 MR. BOWMAN: Okay. Let's go off the 17 record. 18 VIDEOGRAPHER: Off the record at 1:58:48. 19 (Recess taken at 1:58 p.m.) 20 (Deposition resumed at 3:12 p.m.) 21 VIDEOGRAPHER: On the record at 3:12:10. 22 MR. BOWMAN: I'd ask the court reporter 68



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1 to mark Defendant's Exhibit 5. 2 (Exhibit 5 3 marked for identification.) 4 BY MR. BOWMAN: 5 Q. Mr. Slate, will you take a look at the 6 document, please? 7 Mr. Slate, what is this? 8 A. It looks like notes from a conversation. 9 Q. Is this something you produced in 10 discovery? 11 A. Looks like it, yes. 12 Q. Okay. What conversation do these notes 13 reflect? 14 A. It looks like -- well, it might also 15 include some general notes and a conversation, 16 which I've written on there 6/2/06. 17 Q. When did you take these notes? 18 A. It says -- the date says 6/2/06, so I 19 imagine that probably was the date. 20 Q. So you believe these are contemporaneous 21 notes? 22 A. I'm sorry, "contemporaneous"?	71 1 conversation and general notes; is that what you 2 testified to? 3 A. My testimony is that a document looks 4 like my handwritten notes, what my handwritten 5 notes would look like of a conversation and of 6 general notes. 7 Q. But you have no independent recollection 8 of that conversation? 9 A. No, not right now. 10 Q. Okay. So are you saying you can't tell 11 me who you talked to or what these notes reflect? 12 A. No, that's not what I'm saying. 13 Q. What are you saying? 14 A. That I don't recall specifically taking 15 the notes, specifically what I was doing when I 16 took the notes. 17 Q. What do you recall? 18 A. About what? 19 Q. These notes. 20 A. I -- I have -- I'm say that they look 21 like notes that I would have taken. 22 Q. Okay.
70 1 Q. Did you take these notes on that day? 2 A. I'm saying that looks like how I would 3 have taken notes from a conversation that I had. 4 So they look like how I would take contemporaneous 5 notes. 6 Q. Okay. Tell me about that conversation. 7 A. I don't -- you know, I don't recall the 8 conversation specifically. 9 Q. Okay. Who was the conversation with? 10 A. I'm saying I don't have a recollection of 11 the conversation. 12 Q. Okay. Why did you produce these notes in 13 discovery? 14 A. Well, defendants asked for ten years or 15 during a time period from 2000 to I think sometime 16 in late 20 -- it was nearly a ten-year time period 17 that they asked for a number of documents ranging 18 from just about everything in my life. So I 19 produced them because I thought they may be 20 potentially responsive to defendant's request. 21 Q. Okay. And just to be clear, your 22 testimony is this may reflect notes of a	72 1 A. Looks like my handwriting, looks like a 2 document that I produced in discovery. 3 Q. Okay. 4 A. But I don't specifically remember taking 5 the notes. 6 Q. Okay. Do you remember anything at all 7 about a conversation on June 6th, 2006? 8 A. I don't remember -- I mean, I couldn't 9 tell you what I was doing on June 6th, 2006. 10 Q. Okay. Do you remember -- 11 A. Couldn't tell you what I was doing on 12 June 7th, 2006, or any other day. I mean, off the 13 top of my head, I couldn't. 14 Q. Do you remember anything about a 15 conversation with Silber? 16 A. No. 17 Q. Okay. So just to be clear, you produced 18 these notes because you thought that they could 19 possibly be relevant, but you have no independent 20 memory of a conversation that might be reflected in 21 these notes? 22 A. Not at this time. I haven't looked at



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73 1 the notes thoroughly, so I couldn't -- I just 2 looked at them, I see looks like my handwriting, I 3 see a date written on top of it, looks like what 4 answered the questions that I could answer for you. 5 Q. Would you like to take a moment to look 6 at the notes? 7 A. I'm -- 8 Q. Well, you just testified that you haven't 9 looked at the notes thoroughly. I want to give you 10 every opportunity to testify about the conversation 11 that these notes might reflect, if you have any 12 testimony to give about that conversation. 13 So please take a moment, take a look at 14 the notes. And tell me anything that you can tell 15 me about that conversation. 16 A. I'm fine to continue. You know, I don't 17 know how long we have to take a look at them. 18 Q. So your testimony is that you don't 19 recall anything about this conversation? 20 A. Which conversation? 21 Q. Will you please read the notes aloud? 22 It's your handwriting. Each line, start	75 1 A. As I said, I produced, like, thousands of 2 documents. I don't recall. 3 Q. Okay. Will you continue reading, please, 4 aloud? What's the next -- to the best of your 5 ability, what did you write on the next line? 6 A. Next thing I can make out was "thought 7 IDP was 'overdone'." 8 Q. You can't read anything above that? 9 A. It's difficult. Here and there. I can't 10 make out a whole -- I have terrible handwriting. 11 Q. Okay. 12 A. And it's a bad copy, like I said. 13 Q. Well, let's start from the top. Does 14 this say "Silber 6/2/06"? 15 A. It looks like 6/2/06, right. 16 Q. Okay. Can you read the next line? 17 A. I've answered, I've told you what I'm 18 able to read off the document. It's a blurry copy. 19 Q. Okay. So your testimony today is that 20 you can only read that one line? 21 A. No. 22 Q. What is your testimony?
74 1 with the top line. 2 Would you read it aloud, please? 3 A. Sure. Top line is Fox 2 KTVI News 4 Department. 5 Q. Okay. Next line? 6 A. Some scribbling. 7 Q. Okay. Next line, please. 8 A. A line. 9 Q. Next line of text, please. 10 A. This isn't what it says, but I have awful 11 handwriting. And this is not a good copy. 12 Q. Do you have the original? 13 A. Can you define "original"? 14 Q. These are handwritten notes; is that 15 correct? 16 A. They appear to be handwritten notes. 17 Q. Okay. And you produced these in 18 discovery. 19 Do you have the original handwritten 20 notes? 21 A. I don't recall. 22 Q. How did you produce them in discovery?	76 1 A. My testimony is what I testified to. I 2 read a number of lines off of there. 3 Q. Okay. Other than the lines you've read, 4 those are the only lines you can make out; is that 5 correct? 6 A. It's Exhibit 5 Slate, down in the bottom, 7 2/5/11, the word SAW. 8 Oh, "coverage you can count on, 5915 9 Berthold Avenue, St. Louis, Missouri, 63110. 10 WWW.FOX2KTVI.COM." 11 Q. Okay. So you've read the letterhead. 12 How did you come to have Fox 2 13 letterhead, KTVI letterhead? 14 A. I don't recall. 15 Q. You don't recall? Did you work with 16 KTVI? 17 A. I don't recall. I work with a lot of 18 people. 19 Q. Okay. The line you read, "IDP was 20 'overdone'," is that something you said in a 21 conversation? 22 A. I don't recall.



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77 1 Q. Was it something someone else said? 2 A. I don't recall. 3 Q. Is there any other handwritten text on 4 this document that you can read? 5 A. I really have to struggle with my own 6 handwriting for a long time. I have really 7 terrible handwriting. I have -- it pains me when I 8 write, so I -- just results in pretty bad 9 handwriting. 10 Q. So is the answer "no" to that question? 11 A. What was the question? 12 Q. Is there any other line of handwritten 13 text on this document that you can read? 14 A. It's a bad copy and right now without 15 struggling for a long time, I couldn't make 16 anything else out there. 17 MR. BOWMAN: Okay. I'd ask the court 18 reporter to mark defendant's deposition Exhibit 6. 19 (Exhibit 6 20 marked for identification.) 21 BY MR. BOWMAN: 22 Q. Mr. Slate, will you take a look at this	79 1 figs for sweep or." 2 Q. When did you take these notes? 3 A. I don't recall. 4 Q. What are these notes of? 5 A. They appear to be notes of a 6 conversation, notes, just sort of general notes. 7 Q. Okay. Do you remember -- what was 8 discussed during that conversation? 9 A. I don't recall the specific conversation. 10 Q. Okay. You testified earlier that you had 11 a series of conversations with Mike Mendelsohn; is 12 that correct? 13 A. (Nods head up and down.) 14 Q. You said you remember talking to 15 Mr. Mendelsohn about a condo? 16 A. Uh-huh. 17 Q. You said you sent a letter to 18 Mr. Mendelsohn, and that you showed him some 19 footage. 20 What else did you speak with 21 Mr. Mendelsohn about? 22 A. I don't think that's all that I said. It
78 1 document, please? 2 What is this document? 3 A. Looks -- it appears to be, resembles my 4 handwritten notes, handwritten notes that I would 5 have taken. 6 Q. Is it your handwritten notes? 7 A. It appears to be. 8 Q. Okay. Can you say that it is or isn't 9 your handwritten notes? 10 A. Well, this is obviously a facsimile. I 11 mean, you know -- 12 Q. Can you say whether or not it's 13 definitively your handwritten notes? 14 A. This thing right here? 15 Q. A copy of your handwritten notes, yes. 16 A. I'm saying it looks like it is. 17 Q. Okay. Is there any line of text that's 18 handwritten that you can read on this document? 19 A. Since it's written and looks like I used 20 maybe a marker, it's kind of easier to make out 21 when it's thicker. Looks like says "Mike," 22 "Stossel producer," "not O & O," "separate," "6	80 1 looks like -- these notes seem to indicate, and I 2 don't recall the specific conversation, but they 3 appear to be notes of a conversation with Mike 4 where he's telling me that he's a producer for 5 Stossel. It looks like something about -- like I 6 said, I can't really read it too well. I was 7 struggling with my handwriting. And 6 fig for 8 sweeps, sweep. 9 Q. What does that mean to you? 10 A. It means that these are likely notes I 11 took of a conversation with Mike. 12 Q. What I'm asking about is about the 13 conversation. 14 What was the conversation about? 15 A. And I've testified before that I don't 16 have a specific recollection of all the 17 conversations with Mike. 18 Q. Right. And my question to you is you've 19 told me about some of the specific conversations 20 you had. 21 I'm asking you were there others? 22 A. I thought that what I told you was about



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81 1 things that had been discussed over various 2 conversations. I don't recall particularly. 3 And what's your question? 4 Q. My question, again, is you've testified 5 about the substance of several conversations or 6 communications with Mr. Mendelsohn. 7 What other subjects or communications did 8 you have? 9 A. I don't recall all of them. 10 Q. Okay. So your testimony now is you've 11 testified as to all the ones that you recall or all 12 the ones that you know about? 13 A. At this time. 14 Q. Okay. Do these notes refresh your 15 recollection about the conversation or a 16 conversation with Mr. Mendelsohn? 17 A. Somewhat. 18 Q. Okay. Tell me what you remember. 19 A. I mean, I remember having conversations 20 with -- after looking at these notes, I remember 21 having conversations with Mike about him being a 22 producer for Stossel.	83 1 recollect anything beyond what you testified about 2 today? 3 A. Not at this time. 4 MR. BOWMAN: I'd ask the reporter to mark 5 as Exhibit 6 a document. 6 THE REPORTER: 7. 7 MR. BOWMAN: Or 7. And while we're doing 8 that, why don't we take a quick break to change 9 videotapes. 10 VIDEOGRAPHER: This is the end of 11 videotape number one of the testimony of Gregory 12 Slate. February 25th, 2011. 13 Off the record at 3:33:27. 14 (Discussion off the record at 3:33 p.m.) 15 (Exhibit 7 16 marked for identification.) 17 (Deposition resumed at 3:38 p.m.) 18 VIDEOGRAPHER: This is videotape number 19 two of the testimony of Gregory Slate. February 20 25th, 2011. 21 On the record at 3:38:23. 22 BY MR. BOWMAN:
82 1 Q. Okay. What else? 2 A. I just don't have a good recollection of 3 the whole conversations, of all the conversations. 4 These refresh my memory a little bit, but not very 5 much. 6 Q. Okay. 7 A. And it's out of context. 8 Q. Okay. Other than the discussion about 9 him being a producer for Mr. Stossel, does it 10 refresh -- do these notes refresh your recollection 11 about any other aspect of the conversation? 12 A. Somewhat. 13 Q. Okay. Explain that. 14 A. This is the first time I'm seeing it in a 15 while. It just somewhat generally refreshes my 16 memory about a conversation with him. 17 Q. How so? What do you remember? 18 A. What I've said. 19 Q. Okay. 20 A. That I don't have a clear recollection of 21 it. 22 Q. What recollection do you have? Do you	84 1 Q. Mr. Slate, have you had an opportunity to 2 review Exhibit 7? 3 A. No. 4 Q. Will you please do so? 5 A. (Witness complies.) 6 Q. These are printouts of a KTVI Fox News 7 report, dated February 13th, 2007, and February 8 14th, 2007. 9 Mr. Slate, did you give an interview to 10 KTVI? 11 A. I don't recall. 12 Q. Is it possible you gave an interview to 13 KTVI? 14 A. Possible. 15 Q. I'd like to direct your attention to the 16 second- and third-to-last paragraphs on the first 17 page. I'll read them aloud. 18 "It's just one example of the kind of 19 treatment thousands of people have reported to the 20 Police Complaint Center, a national organization 21 that has tested police departments for nearly 20 22 years.



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85 1 "Director Greg Slate told us, 'We want to 2 see how citizens are being treated and how officers 3 are reacting to citizens who want to file 4 complaints.'" 5 Mr. Slate, did you tell KTVI that you 6 were the director of the Police Complaint Center? 7 A. Not that I recall. 8 Q. Is it possible that you told KTVI that 9 you were the director of the Police Complaint 10 Center? 11 A. I don't recall telling them that. 12 Q. Are you denying that you told them that? 13 A. No, I'm saying I don't recall. 14 Q. So your testimony is that you have no 15 specific recollection? 16 A. Of specifically telling KTVI, K whatever, 17 that, no. 18 Q. But you could have done so? 19 A. I didn't say that. 20 Q. Okay. Clarify for me. 21 You have no recollection of telling them, 22 or you remember not telling them?	87 1 Q. Okay. 2 A. It's possible. 3 Q. And let me just ask one last question. 4 Is this an accurate statement, that at 5 this point, February 14th, 2007, you were the 6 director of the Police Complaint Center? 7 A. When? 8 Q. February 14th, 2007. 9 A. I can't be certain. 10 Q. You don't know whether you were the 11 director of the Police Complaint Center? Were you 12 at any point in time the director of the Police 13 Complaint Center? 14 A. As I've testified to, my understanding of 15 what that is, is very -- you know, I understand 16 that it's just a guy at this point. So that's my 17 testimony. 18 Q. Okay. So that doesn't exactly answer the 19 question. 20 Were you ever the director of the Police 21 Complaint Center? 22 A. Not that I recall.
86 1 A. I have no recollection. 2 Q. Okay. Do you recall being interviewed by 3 KTVI? 4 A. Not at this time. 5 Q. Okay. I'd like to direct your attention 6 to the second story, it's page four of this 7 document. One, two, three, four, the fifth 8 paragraph down. 9 "We hired Slate, the director of the 10 police complaint center to find out what happens 11 here when a citizen tries to file a complaint 12 against a police officer." 13 Did KTVI hire you? 14 A. Not that I recall. I don't recall this. 15 I've done a lot of stories. I don't recall this 16 specific one. 17 Q. You don't recall the KTVI story 18 specifically? 19 A. Not specifically. I've done a lot. 20 Q. Okay. Is it possible that KTVI hired 21 you? 22 A. Yeah.	88 1 Q. Do you know whether you were ever the 2 director of the Police Complaint Center? 3 A. I said I don't recall. 4 Q. Okay. Was this -- did you work for KTVI 5 before February of 2007? 6 A. Not that I recall. 7 MR. BOWMAN: I'd ask the court reporter 8 to mark Defendant's Exhibit 8. 9 (Exhibit 8 10 marked for identification.) 11 BY MR. BOWMAN: 12 Q. Mr. Slate, what is this document? 13 A. It appears to be a document marked 14 Exhibit 8 and ABC 14. 15 Q. Okay. Do you see the e-mail line, from 16 Mike Mendelsohn, ABC? 17 A. Yes. 18 Q. Okay. And do you see the "to" line, Greg 19 Slate, director, gsplate@policeabuse.org? 20 A. I see that. 21 Q. Okay. Did you receive this e-mail? 22 A. Not that I recall.



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1 I need some more water. 2 Q. We'll take a break in just a minute and 3 get you some. 4 Did you use that e-mail address, 5 gslate@policeabuse.org? 6 A. Not that I recall. 7 Q. Did you ever send e-mail from that 8 address? 9 A. I don't recall at this time. 10 Q. Did you ever receive e-mail at that 11 address? 12 A. Not that I recall. 13 Q. Okay. Is it your testimony today that 14 you could have, but you don't remember; or that you 15 did not send or receive e-mail from that address? 16 A. No. 17 Q. What is your testimony? 18 A. I don't understand. There's two -- there 19 was two questions in that. 20 Q. You said that you don't recall. 21 Is it possible you used that address? 22 A. I couldn't say with certainty.	89	1 testified you have no reason to believe that you 2 sent this e-mail. 3 And I'm trying to understand why is that? 4 A. Well, it also says Michael Mendelsohn, 5 ABC, but has no e-mail on it, e-mail address on it. 6 It's -- you say it's an e-mail. I don't 7 know what it is. Not clear to me exactly what it 8 is. And that's what I'm -- and I don't recall 9 sending the e-mail. 10 Q. Okay. So your testimony is that because 11 you don't recall sending the e-mail, you're not 12 sure that this is an authentic document; is that 13 what you're saying? 14 A. No. 15 Q. Okay. 16 A. No. I don't know exactly what you were 17 saying. 18 Q. Do you believe that somebody else sent 19 this e-mail? 20 A. I couldn't say with certainty. I mean, I 21 don't even know -- it says Michael, it says Michael 22 J. Mendelsohn, but it doesn't even have his e-mail	91
1 Q. Why not? 2 A. Because I don't recall using it. 3 Q. Okay. I'd like you to look at the 4 e-mail. 5 "Hey, Michael, How are things going? Did 6 you get a chance to see the piece that WCPO did? 7 It was pretty good. I mailed you the receipts from 8 that trip. I wanted to make sure you got them. 9 Let me know. Peace, Greg." 10 Did you write those words? 11 A. Not that I recall. 12 Q. Do you have any reason to believe that 13 you didn't? 14 A. I don't have any reason to believe that I 15 did. 16 Q. Okay. 17 A. Excuse me, can I have some more water, 18 please? 19 Q. Let's finish up with this document and 20 we'll get some more water. 21 I'm trying to understand that. The name 22 on this e-mail is Greg Slate. And you just	90	1 address on it. 2 I don't know, I don't know what the 3 question is. 4 Q. I believe the question is do you think 5 someone else sent this as Greg Slate? Do you have 6 any reason to believe that? 7 A. Well, I contacted the FBI about identity 8 theft by Diop Kamau, so -- 9 Q. So you believe Diop Kamau was 10 impersonating you? 11 A. I didn't say that. 12 Q. So then what's the answer to the 13 question? Do you believe -- you believe someone 14 was impersonating you? 15 A. I can't say with certainty right now. 16 The e-mail is incomplete. It doesn't 17 have Michael -- I don't even know it's an e-mail. 18 It's a printed-out document. It doesn't have 19 Mendelsohn's e-mail address on it. It's just 20 missing. 21 I can't answer questions about this. I'm 22 telling you, I don't recall.	92



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93 1 Q. Did you in fact mail receipts to 2 Mr. Mendelsohn? 3 A. Not that I recall. 4 Q. Okay. Did you -- is it possible you 5 mailed receipts to Mr. Mendelsohn? 6 A. Can't be certain. 7 MR. BOWMAN: Okay. I'd ask the court 8 reporter to -- 9 THE WITNESS: Can I please have some more 10 water? 11 MR. SIEGEL: Yeah, sure. 12 MR. BOWMAN: Okay. I'd ask the court 13 reporter to mark Exhibit 8, is it? 14 THE REPORTER: 9. 15 MR. BOWMAN: 9. 16 (Exhibit 9 17 marked for identification.) 18 (Mr. Siegel left the room.) 19 BY MR. BOWMAN: 20 Q. Mr. Slate, will you please review this 21 document? 22 Is this an accurate list of receipts that	95 1 of expenses in Cincinnati? 2 A. I mean, you're asking me about small 3 purchases, potential small purchases, you know, 4 many, many years ago. I don't -- I don't recall. 5 Q. Don't recall any of them? 6 A. Not at this time. 7 Q. Okay. Did you receive an expense check? 8 A. Have I ever -- have I -- 9 Q. Did you receive an expense check in the 10 amount of \$346.96 for these expenses? 11 A. I don't recall. 12 Q. Okay. Did you cash that check? 13 A. I don't recall. 14 Q. Okay. Is that your Social Security 15 number? I won't read it into the record, but -- 16 A. It appears to be my social. 17 Q. Okay. Did you receive mail at that 18 address, 1220 L Street, Northwest, suite 100-164? 19 A. I don't recall. 20 Q. Really? You don't remember if you ever 21 received e-mail or mail at that address? 22 A. I don't recall. I answered the question.
94 1 you submitted to ABC? 2 A. I don't even know if it is a list of 3 receipts I submitted to ABC. 4 Q. Okay. Did you take a taxi on June 5th 5 from your apartment in Washington, D.C., to 6 Washington National Airport? 7 A. I couldn't -- I don't know. Not that I 8 can recall. 9 Q. Okay. Did you go to Cincinnati in June 10 to shoot footage that appeared on the ABC channel? 11 (Mr. Siegel entered the room.) 12 THE WITNESS: I don't recall at this 13 time. 14 BY MR. BOWMAN: 15 Q. Did you go to dinner at Marga? 16 A. I don't recall. 17 Q. Okay. Did you order room service at the 18 hotel? 19 A. At what hotel? 20 Q. Millennium Hotel. 21 A. I don't recall. 22 Q. Okay. Do any of these items remind you	96 1 MR. BOWMAN: Okay. I'd like to ask the 2 court reporter to mark Exhibit 10. 3 (Exhibit 10 4 marked for identification.) 5 BY MR. BOWMAN: 6 Q. Mr. Slate, what is this document? 7 A. I don't know. 8 Q. Did you prepare this document? 9 A. Not that I recall. 10 Q. Have you ever seen this document? 11 A. I mean, it looks like something that may 12 have been produced in -- by defendants. 13 Q. Prior to being produced by defendants, 14 did you ever see this document? 15 A. Not that I recall. 16 Q. You said you don't recall whether you 17 prepared it. This appears to be an invoice from 18 the Police Complaint Center. 19 Did you ever prepare any invoices from 20 the Police Complaint Center? 21 A. Not that I recall. 22 Q. Is it possible that you prepared invoices



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97 1 from the Police Complaint Center? 2 A. I don't think so. Can't be certain right 3 now. 4 Q. Why not? 5 A. I'm not certain. 6 Q. Did you ever send out correspondence on 7 behalf of the Police Complaint Center? 8 A. Not that I recall. 9 Q. Is it possible that you did? 10 A. I couldn't be certain. 11 Q. Why not? 12 A. Because I'm not certain. 13 Q. Will you read the description aloud, 14 please, in this invoice? Begins with "Hidden 15 Camera." 16 Mr. Slate, will you read the description 17 in the invoice aloud, please, where it says "Hidden 18 Camera"? 19 A. I've read it. Do you have a question? 20 Q. Will you please read it out loud for the 21 record? 22 A. Do you have a question?	99 1 wasn't talking -- I wasn't talking about those 2 specific days. I don't recall those specific days. 3 Q. Okay. And you said you don't recall 4 whether you ever sent an invoice on behalf of the 5 Police Complaint Center. 6 Did you ever send invoice on behalf of 7 the Communist Chinese Party? 8 A. Not that I recall. 9 Q. Okay. Are you certain? 10 A. I'm certain that I don't recall. 11 Q. Okay. 12 A. I don't think I've ever heard of the 13 Communist Chinese Party before. 14 Q. You testified earlier that you sent a 15 letter to Mike Mendelsohn; is that correct? 16 A. I think so. 17 Q. How did you send the letter? 18 A. Mail. 19 Q. Did you get any return receipt? 20 A. I don't recall being sent return receipt. 21 Q. Okay. Do you have any proof that it was 22 delivered?
98 1 Q. Is this the work you did -- the text, 2 I'll read it. 3 "Hidden Camera test for 2020 shot in 4 Cincinnati with ABC. 2 testers at \$500.00 per day 5 for each tester. Story shot June 6, 7, 8, 6 \$1,000.00 per day for three days." 7 Were you part of that project? 8 A. What project? 9 Q. The description I just read. 10 Were you a tester? 11 A. I wouldn't describe myself that way, no. 12 Q. How would you describe yourself? 13 A. As a journalist. 14 Q. A journalist. Okay. 15 What did you do on those days as a 16 journalist? 17 A. Which days? 18 Q. The days June 6th, 7th, and 8th, in which 19 you just said you described yourself as a 20 journalist. 21 A. Oh, I describe myself -- to be clear, I 22 describe myself as a journalist every day. So I	100 1 A. I can't be certain. 2 Q. Why not? 3 A. Because I don't -- hey, I don't know. 4 Q. Have you produced in this case any 5 evidence that the letter was delivered? 6 A. Proof. Can you define "proof"? 7 Q. Any documents indicating that the letter 8 was delivered. 9 A. I don't think I produced any more 10 evidence of the delivery of that letter than 11 plaintiffs have produced -- or, rather, defendant 12 has produced as to delivery of any of the documents 13 that they produced. 14 Q. Do you know when the letter was 15 delivered? Do you know if the letter was 16 delivered? 17 A. Couldn't be certain. 18 Q. Do you believe the letter was delivered? 19 A. Yes. 20 Q. What's the basis for that belief? 21 A. That I mailed it. 22 Q. Okay. Where did you mail it?



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101 1 A. I don't recall the exact address. 2 Q. Okay. Did you take it out to a mailbox? 3 Did you bring it to a postal facility? 4 A. I don't recall. 5 Q. Okay. Do you recall when you sent it? 6 A. I don't recall the exact date. 7 MR. BOWMAN: I'd ask the reporter to mark 8 defendant's deposition Exhibit 10. 9 THE REPORTER: 11. 10 MR. BOWMAN: 11. 11 THE WITNESS: While you mark it I'll use 12 the bathroom. 13 VIDEOGRAPHER: Shall I go off the record? 14 MR. SIEGEL: Yeah. 15 VIDEOGRAPHER: Off the record at 4:04:42. 16 (Discussion off the record at 4:04 p.m.) 17 (Exhibit 11 18 marked for identification.) 19 (Deposition resumed at 4:07 p.m.) 20 VIDEOGRAPHER: On the record at 4:07:25. 21 BY MR. BOWMAN: 22 Q. Mr. Slate, what is this document?	103 1 A. I think it may be, and I'm not certain, 2 an envelope sent -- I think it may be an envelope. 3 Q. Okay. Do you typically photocopy 4 envelopes before you send them? 5 A. I have in the past. 6 Q. Okay. Why do you do that? 7 A. When I've done it in the past? 8 Q. Uh-huh. 9 A. For a record. 10 Q. Okay. 11 A. I mean, that's not why I did it in this 12 instance. 13 Q. Why did you do it in this instance? 14 A. Well, first of all, I don't know that I 15 photocopied this. I mean, this was produced for 16 you, this is a photocopy produced for you guys. I 17 mean, that's not my handwriting. 18 Q. That's not your handwriting? 19 A. That's not my handwriting. 20 Q. Do you know whose handwriting that is? 21 A. No, I don't. 22 Q. Okay. The second and third page of this
102 1 A. Which one? 2 Q. The one the reporter just marked and 3 handed to you, Exhibit 10. 4 THE REPORTER: 11. 5 BY MR. BOWMAN: 6 Q. 11. 7 A. Which one is it? 8 Q. Exhibit 11. 9 A. It appears to be -- it appears to be a 10 document I produced in discovery. 11 Q. Okay. Is this the letter that you were 12 discussing, that you say you sent to 13 Mr. Mendelsohn? 14 A. The document as a -- there's three pages 15 here. The front is a photocopy of something that 16 says 147 Columbus Avenue, New York, New York, 2 -- 17 10023. 18 Q. Okay. What is that a photocopy of? 19 A. I -- I can't be certain. 20 Q. What do you think it is? 21 A. I can't be certain. 22 Q. Okay. What do you think it is?	104 1 document, what is that? 2 A. It appears to be a letter, document that 3 I produced for discovery. 4 Q. Did you write this letter? 5 A. I mean, it's a typed letter. 6 Q. Did you type this letter? 7 A. It looks like a letter that I typed, 8 yeah. 9 Q. Okay. Is that your signature at the end 10 of the letter, on page 2? 11 A. Looks like my signature. 12 Q. Okay. Was this letter inside this 13 envelope that's photocopied? 14 A. I don't think so. Couldn't be certain, 15 but I don't think so. 16 Q. Okay. Did you send this letter? 17 A. Yes. 18 Q. Okay. When did you send this letter? 19 A. I don't recall the exact date that I sent 20 it. I imagine it was around the date that it was 21 dated. 22 Q. Okay. Do you have any reason to believe



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105 1 that you didn't send it on the date that it's 2 dated? 3 A. No. 4 Q. Okay. Where did you type this letter? 5 A. I don't recall. 6 Q. Where were you living on August 21st of 7 2006? 8 A. Probably in Hyattsville. 9 Q. Okay. 10 A. Around that time. 11 Q. Why is there a West Lexington Street 12 return address on this letter? 13 A. It was a mailing address that I use. 14 Q. Okay. What's the phone number? Is that 15 a land line? 16 A. Yes. 17 Q. Okay. What address is that land line 18 associated with? 19 A. 1832 West Fayette Street, I imagine. I 20 can't be certain, but I imagine now that it is. 21 Q. An e-mail address, is that an e-mail 22 address you that were using in August of 2006?	107 1 Q. Okay. What other computers did you have 2 access to? 3 A. A variety. I mean, a lot. I couldn't 4 recall all the computers that I had access to, or 5 even at that time. 6 Q. Okay. What other ones did you have 7 access to? 8 A. First of all, the ones at Maryland, there 9 are a lot of ones at Maryland. I would have had 10 access to every computer at Maryland. 11 Q. Okay. Did you have a home computer? 12 A. I mean, in the sense that I had a 13 computer. 14 Q. Okay. Did you work at this time? 15 A. I was doing schoolwork, I was doing a lot 16 of things at that time. 17 Q. Did you go to an office at this time, 18 with any regularity? 19 A. I was maintaining Lexington Street as my 20 office. 21 Q. What word processing software did you 22 use?
106 1 A. Looks like it was. 2 The 1732 West Lexington Street, 3 Baltimore, Maryland, 21223, is a property that I 4 used to own. I've since sold it. 5 Q. When did you sell that property? 6 A. I don't recall the exact date that I sold 7 it. 8 Q. Okay. And I -- I don't know if you 9 answered the question. 10 Is the e-mail address, gslate@umd.edu, is 11 that an accurate e-mail address at that time? 12 A. I believe so. 13 Q. Okay. What computer did you use to write 14 this? 15 A. I don't recall. 16 Q. What computer did you work on in August 17 of 2006? 18 A. Probably a number. 19 Q. Tell me what they were. 20 Did you have a home computer? 21 A. I would have -- I had access to computers 22 at University of Maryland.	108 1 A. I don't recall. 2 Q. Where did you save your electronic files? 3 A. I don't recall. 4 Q. Well, where do you save your electronic 5 files now? 6 A. Various places. 7 Q. What are they? 8 A. CDs. You know, whatever the popular, you 9 know, medium happens to be. 10 Q. Okay. Do you have a native version of 11 this document? 12 A. What is "native"? I don't understand. 13 Q. A word processing version of this 14 document. 15 A. I couldn't be certain. 16 Q. Really? We've requested that in 17 discovery. What have you done to look for it? 18 A. I've looked all through my files. 19 Q. What files? Tell me -- walk me through 20 where you've looked for a native version of this 21 document, please. 22 A. Well, in producing documents, I haven't



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109 1 sort of looked for specific things. I generally 2 have conducted broad searches of where I know, you 3 know, potentially responsive documents are and 4 produced everything that I could. 5 Q. Okay. And where are potentially 6 responsive documents? What computers have you 7 searched? 8 A. My computer that I, you know, that I 9 commonly use now. 10 Q. Is that a PC or is that a laptop? 11 A. It's a laptop. 12 Q. Okay. Do you have just one computer? 13 A. I mean, I have access to multiple 14 computers. But I have one computer. 15 Q. Okay. Have you searched any storage 16 media that you maintain? 17 A. What do you mean, "searched"? 18 Q. Looked through them. 19 A. Yes. 20 Q. Okay. And have you found a native 21 version of this document? 22 A. No, not that I recall. I don't recall	111 1 Maryland, ones here, ones there. 2 Q. You mentioned you had a laptop. 3 How long have you had a laptop? 4 A. Which one? 5 Q. The one you currently have. 6 A. I couldn't be certain, but I think I got 7 that one sometime in '08 maybe. I don't know, I 8 can't be certain. 9 Q. Okay. Before that did you have a 10 different computer that you owned? 11 A. Yes. 12 Q. What was that? 13 A. It was -- it wasn't a Macintosh. What I 14 have now is a Macintosh. It wasn't a Mac. 15 Q. Do you know what it was? 16 A. I don't recall. 17 Q. What happened to it? 18 A. I don't recall. I stopped using it. I 19 don't recall. 20 Q. Do you still have it? 21 A. I don't think so. 22 Q. Okay. So sometime in late 2008 you got
110 1 finding any version of this document. 2 Q. Okay. Do you know why? 3 A. I don't -- I don't recall finding native 4 versions of letters sent years and years and years 5 ago. It's sort of not my typical practice, if 6 there's a typical practice, to -- I wouldn't 7 necessarily have it. 8 Q. Okay. So do you believe you may have 9 deleted this file? 10 A. No. 11 Q. Okay. Then why wouldn't you have it? 12 A. Because I don't -- I mean, I don't know 13 why I don't have it necessarily. I imagine it's 14 sort of, as time passes, documents, you know, 15 are -- just the same reason ABC probably doesn't 16 have a lot of original native format documents from 17 years and years and years ago. 18 I just -- I'm certainly not using the 19 same computer that I was using then. 20 Q. Okay. What computer were you using then? 21 A. I don't recall the exact one. As I said, 22 I was -- I had access to ones at University of	112 1 the new laptop and what do you believe happened to 2 the old laptop? 3 A. I couldn't be certain. 4 Q. You don't know what happened to your old 5 computer? 6 A. Like, where it is now? I don't know. 7 Q. Did you sell it? Did you -- 8 A. I don't recall selling it. 9 Q. Did you put it in storage? 10 A. I don't recall putting it in storage. 11 Q. Did you give it away? 12 A. I don't recall giving it away. 13 Q. Did you throw it away? 14 A. I don't recall throwing it away. 15 Q. Do you know where it is today? 16 A. No. 17 Q. Did you make any backup of the data that 18 was on that laptop? 19 A. Not that I recall. 20 Q. Did you transfer the data from your old 21 laptop to your new laptop? 22 A. Not that I recall.



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1 Q. Okay. Let's look at the substance of 2 this letter. 3 First sentence, "It was a pleasure 4 working with you in Cincinnati recently." 5 What are you referring to there? 6 A. What's the question? 7 Q. What are you referring to there? 8 A. What was I referring to when I -- do I 9 recall what I was referring to when I wrote it or 10 what am I referring to now? I don't understand. 11 Q. What was this letter referring to, 12 working with Mr. Mendelsohn in Cincinnati recently? 13 A. I don't recall exactly what I was -- what 14 I was referring to when I wrote that sentence 15 several years ago, now. 16 Q. What do you think you were referring to? 17 A. Speculate, seeing him, talking to him, 18 being around him. 19 Q. Did you work with him? 20 A. Define "work with." 21 Q. It's your language, Mr. Slate. What did 22 you mean by "working with" him?	113 1 yeah. 2 A. My -- well, my concern -- trying to 3 recall. I believe my concern about being publicly 4 associated with him then was that he kind of was 5 acting crazy. I would not find him to be someone 6 that I wanted to be working with. 7 Q. Okay. Did you associate with him or work 8 with him after 2006? 9 A. Would I associate in the sense that we've 10 spoken, yes, associated. 11 Q. Okay. Did you represent yourself 12 publicly as affiliated with the Police Complaint 13 Center after this? 14 A. Not that I recall. 15 Q. Okay. Next paragraph -- 16 A. Those aren't all of my concerns about him 17 generally, but go ahead. 18 Q. What other concerns do you think you had 19 at this time? 20 A. I generally recall having more concerns, 21 but I don't recall exactly what they were. 22 Q. Okay. The next paragraph, quote, Second,
114 1 A. I would say that when I'm working with 2 people, I'm talking to them, talking about things, 3 professional sense. 4 Q. Okay. Let's look at the second 5 paragraph. 6 I would like to make a few things clear. 7 I'm quoting. First, WCPO reported that I was the 8 Director of the Police Complaint Center. Although 9 I knew Mr. Kamau, I am not his employee and I have 10 recently developed concerns about being publicly 11 associated with him and his organization, end 12 quote. 13 What concerns were those? 14 A. Well, I don't know that what you quoted 15 exactly was exactly what it says, but -- 16 Q. Well, please read it as you think it's 17 correctly read. 18 A. I think you just said you were not or 19 something, but whatever, it's fine. 20 Trying to recall the concerns that I had 21 about Mr. Kamau then? 22 Q. That's when this letter was written,	115 1 I am an independent freelance journalist, end 2 quote. 3 What news organizations have you worked 4 for? 5 A. Worked for? 6 Q. Uh-huh. 7 A. I'm not -- can you define "worked for"? 8 Q. Okay. What news organizations have paid 9 you to function as a freelance journalist? 10 A. I don't recall all of them. 11 Q. Tell me what you -- tell me which ones 12 you do know. 13 A. I think a Fox affiliate did. 14 Q. What did they pay you? 15 A. I don't recall. 16 Q. What affiliate was it? 17 A. I don't recall. 18 Q. Do you remember when was this? 19 A. When was the payment or when was the -- 20 Q. Both. 21 A. I don't recall exactly when. I couldn't 22 say that.



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117 1 Q. Have you ever edited a broadcast script? 2 A. I don't recall editing any broadcast 3 scripts. 4 Q. Have you ever produced a news report? 5 A. I would say that I have produced a news 6 report. 7 Q. Okay. What news reports? 8 A. I don't recall all of them. 9 Q. Tell me what you remember. 10 A. I recollect receiving an Emmy Award for 11 as a producer. 12 Q. Okay. You mentioned that you believe you 13 were paid by Fox. 14 Do you remember any other news 15 organizations that have paid you for your work? 16 A. I don't recall all of them right now. 17 Q. Tell me what you remember. 18 A. I've answered the question. 19 Q. So your testimony is you think -- you 20 remember a Fox affiliate, you don't know which one 21 it was, and you don't remember any others? 22 A. I don't recall, right now, the others.	119 1 and consultation with other experienced producers I 2 know my work is worth at least six figures if it is 3 used in a national prime time broadcast, end quote. 4 What is your basis for this? 5 A. What was my basis when I wrote that? 6 Q. Yes. 7 A. I'm sorry, which line was it again? 8 Q. The sixth line on page 2, the sentence 9 beginning "Based." 10 A. I'm sorry, state the question again. 11 Q. What is your basis for the statement? 12 A. Well, from reading the statement, it 13 would appear that my basis when I wrote it was 14 consultation with other experienced producers. 15 Q. What offers have you received for your 16 footage, had you received for your footage? 17 A. Which footage? 18 Q. What offers were you referring to in the 19 sentence? 20 A. I don't recall the specific offers. 21 Q. Okay. Prior to August, 2006, what offers 22 had you received for your footage?
118 1 Q. Were there any others? 2 A. I think that there were. I'm pretty sure 3 there were. 4 Q. Okay. What were they? 5 A. I don't recall. You keep asking the same 6 question. I don't recall. 7 I'm sorry, while you guys do that, I'm 8 going to use the bathroom again. I've been 9 drinking a lot of water. 10 MR. SIEGEL: Okay, that's fine. Do you 11 want to go off the record or shut that off? What 12 do you want to do? 13 MR. BOWMAN: Let's go off the record. 14 VIDEOGRAPHER: Off the record at 4:29:12. 15 (Discussion off the record at 4:29 p.m.). 16 (Deposition resumed at 4:36 p.m.) 17 VIDEOGRAPHER: On the record at 4:36:36. 18 BY MR. BOWMAN: 19 Q. Okay. Mr. Slate, I'd like to direct your 20 attention to page 2 of 2 of the letter we've been 21 looking at, the sixth line down. 22 Quote, Based on offers I have received	120 1 A. I don't recall all of them. 2 Q. What do you recall? 3 A. I recall working -- I recall talking with 4 somebody, producer over at -- guy that worked I 5 think freelance for Fox Files. I had produced 6 hidden camera investigations for them. 7 That's my recollection, telling me that 8 what his experience had been about the budget for 9 these type of productions and -- 10 Q. What did he tell you? 11 A. I can't recall exactly. 12 Q. What do you recall generally? 13 A. Generally, I recall him saying that -- 14 (Mr. Siegel left the room.) 15 THE WITNESS: I recall him generally 16 saying that something to the -- something to the 17 effect that the budgets were in the six figures for 18 these type of news programs. 19 (Mr. Siegel entered the room.) 20 MR. BOWMAN: I'm sorry to interrupt you. 21 I think we have the court on the phone. Should we 22 go off the record?



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121 1 MR. SIEGEL: We can stay on the record 2 here. 3 MR. BOWMAN: Okay. We can stay on the 4 record. 5 Hello? 6 MR. SIEGEL: Hello? 7 MR. BOWMAN: Hello? Hello? 8 RECEPTIONIST: Hold for a moment. 9 MS. PORTER: Hello? 10 MR. SIEGEL: Hello? 11 MS. PORTER: Hello? 12 MR. SIEGEL: Yes. 13 MS. PORTER: This is Katina Porter 14 calling you back. Is this Mr. Siegel? 15 MR. SIEGEL: Yes, it is. 16 MS. PORTER: Hi. I apologize, we had 17 another hearing after you guys and I didn't even 18 get back to my desk until almost 12:00 o'clock. 19 MR. SIEGEL: That's okay. 20 MS. PORTER: Were you able to get the 21 deposition of Mr. Slate done? 22 MR. SIEGEL: Well, we're actually in the	123 1 MR. SIEGEL: In fact, it's being recorded 2 as we speak. 3 MS. PORTER: Okay. Hold on one second, 4 okay? 5 (Pause in the proceedings.) 6 MR. SIEGEL: Hello? 7 MR. BOWMAN: I think we are on hold. 8 (Pause in the proceedings.) 9 MS. PORTER: Mr. Siegel? 10 MR. SIEGEL: Yes. 11 MS. PORTER: Hi. The judge said that, 12 you know, it's okay if he wants to go ahead and 13 record the transcript of the deposition. But the 14 official transcript is what's going to be 15 considered. 16 MR. SIEGEL: It's not the transcript. 17 He's bringing in his own videotape. 18 MS. PORTER: So he wants to videotape it. 19 She said that's fine, if that's what he wants to 20 do. But it's not going to be considered the 21 official transcript of the deposition. 22 MR. SIEGEL: Okay.
122 1 middle of it now. 2 MS. PORTER: Okay. 3 MR. SIEGEL: I'll tell you what it is. 4 Mr. Slate sent us an e-mail -- sent us a 5 fax after the hearing was completed today, 6 informing us that he was going to record his own 7 deposition, in addition to the recording that we 8 have. 9 We've objected to that. We believe that 10 that's improper. We're continuing with the 11 deposition. We had called the judge to try to 12 resolve that issue because we believed that that 13 recording is improper under the rules, and we were 14 trying to get a ruling on that. But we've 15 continued it in the meantime. 16 We could take it up afterwards. 17 MS. PORTER: Are you sure? I believe she 18 might still be here. 19 Is he still going forward with the 20 recording or -- 21 MR. SIEGEL: Yes, he is. 22 MS. PORTER: Oh.	124 1 MS. PORTER: You guys are actually -- do 2 you have a reporter there? 3 MR. SIEGEL: Yes, we do. I mean, 4 actually, we think the rules pretty clearly say 5 that, number one, you have to provide prior notice; 6 and, number two, you're actually not allowed to 7 take your own dueling. There aren't supposed to be 8 two videotapes. 9 MS. PORTER: Is this just you and I 10 speaking? 11 MR. SIEGEL: What's that? 12 MS. PORTER: Is this just you and I 13 speaking or am I on speaker? 14 MR. SIEGEL: No, we're all here. 15 MS. PORTER: Okay. Well, she made it 16 perfectly clear, that no matter what it is 17 Mr. Slate intends to gain from his videotaping of 18 his deposition, it's not going to be considered as 19 far as the legal document is concerned. The 20 transcript of the deposition which is being taken 21 by the official transcriber, that is what is going 22 to be considered as the official deposition.



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125 1 MR. SIEGEL: Okay. 2 MS. PORTER: So, you know, she -- 3 basically she's saying that, you know, 4 understanding that, yes, he should have given prior 5 consent or received prior consent before you guys 6 started the deposition, and that did not happen. 7 THE WITNESS: Could you let the judge 8 know that I did give them notice that I wanted to 9 do these -- that I wanted to record my own 10 deposition? I understood under the rules that I 11 was allowed to and I gave them prior notice in 12 conversation and then again on fax. 13 MR. SIEGEL: That's simply not true. 14 What he claims is that he had a conversation in 15 which he told us this. That just didn't happen. 16 MS. PORTER: Okay. If anything should 17 come up later, the only thing that's going to be 18 accepted by the judge is going to be the official 19 transcript by the person who's transcribing the 20 deposition. 21 MR. SIEGEL: Okay. 22 MS. PORTER: Nothing that Mr. Slate has	127 1 30(b)(3)(b) prohibits it. It's pretty clear. 2 MS. PORTER: 30(b)(3)(b)? 3 MR. SIEGEL: Rule 30(b) -- you know the 4 federal rules, they're all sub rules. So it's Rule 5 30(b)(3)(a) and (b). 6 MS. PORTER: Okay. I just wanted to make 7 sure I had my letters right. I didn't want to give 8 her D, as in dog, if it's B, as in berry. 9 MR. BOWMAN: Right. And the basic 10 factual situation is that the defendants noticed 11 the deposition for video and stenographic 12 recording. And Mr. Slate brought his own video 13 camera as well. 14 MR. SIEGEL: And, basically, the rule's 15 pretty clear, you're not allowed to duplicate. 16 You're not allowed to have duplicative recordings. 17 A person can designate another method, a 18 different method of recording, if they wanted a 19 videotape and we hadn't, you know, noticed it. But 20 you can't have dueling videotapes. 21 MS. PORTER: Okay. All right. I'm 22 writing it all down and I'm just waiting for her to
126 1 either by audio or video will be accepted by the 2 court. 3 MR. SIEGEL: Okay. 4 THE WITNESS: Thank you. 5 MR. SIEGEL: Thank you. 6 MR. BOWMAN: Thank you. 7 MS. PORTER: All right. No problem. 8 I'm sorry, hold on one second. Okay? 9 MR. SIEGEL: Okay. 10 MS. PORTER: Thank you. 11 (Pause in the proceedings.) 12 MS. PORTER: Okay. The judge is going to 13 give me a call back, so I'm going to have to put 14 you back on hold until I hear back from her. She 15 didn't understand it was videotaping. We thought 16 it was audio. So she's going to go ahead and 17 double-check the local rules and she's going to go 18 ahead and make her decision, I'll give -- actually, 19 I'll come back on the line as soon as she comes 20 back. 21 MR. SIEGEL: Okay. I mean, we can give 22 her, briefly, the basis for -- we believe that Rule	128 1 give me a call back. So if I can put you back on 2 hold. 3 MR. SIEGEL: Okay. 4 MS. PORTER: Thank you. 5 (Pause in the proceedings.) 6 MR. BOWMAN: Should we proceed or wait 7 for her? 8 MR. SIEGEL: Maybe you should proceed. 9 It's on hold. 10 THE WITNESS: In the meantime, I'll use 11 the bathroom. She's still on hold. 12 MR. SIEGEL: Could you turn your 13 recording off? 14 THE WITNESS: Sure. 15 MR. SIEGEL: We can go off the record. 16 THE WITNESS: So we're going off the 17 record? 18 MR. SIEGEL: Yeah. 19 VIDEOGRAPHER: Off the record at -- off 20 the record at 4:53:25. 21 (Discussion off the record at 4:53 p.m.) 22 (Deposition resumed at 4:55 p.m.)



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129 1 VIDEOGRAPHER: On the record at 4:55:56. 2 BY MR. BOWMAN: 3 Q. Okay. We're resuming where we left off 4 before we received a call from chambers. And we 5 may need to pause again. 6 Mr. Slate, I was asking you about a line 7 in the letter that's in front of you. Based on -- 8 quote, Based on offers I have received and 9 consultation with other experienced producers I 10 know my work is worth at least six figures if it is 11 used in a national prime time broadcast. 12 I believe the pending question was, what 13 offers were you referring to here? 14 A. I believe I answered the question. 15 Q. I believe you said you had spoken with a 16 producer. 17 Had you received any offers? 18 A. I believe I've answered the question. 19 Q. I don't believe you have. 20 A. I believe I said that I didn't recall the 21 specific offers. And then I elaborated on a 22 conversation with a producer at Fox Files or a	131 1 Q. Okay. You've said you have no specific 2 recollection. I'm just trying to get to do you 3 have -- 4 A. I don't think -- 5 Q. -- any recollection whatsoever about 6 offers for your work you received. 7 A. I'm not sure that's exactly what I said. 8 But as I -- my recollection, I don't have a 9 recollection at this time. 10 Q. Okay. This appears to be -- this 11 document appears to be at least a third generation 12 copy. You see the concentric squares. 13 Do you have an original? 14 A. I don't agree with your assessment that 15 it appears to be a third generation copy. And I 16 don't know what you're referring to when you say 17 "squares." 18 Q. I would point out the shading in the 19 document. 20 Do you have an original version of this 21 document? 22 A. I understand -- I believe that's because
130 1 former producer, someone had produced for Fox 2 files. 3 Q. And who was that producer? 4 A. I don't recall her name off the top of my 5 hoed. 6 Q. Do you recall the station? 7 A. My understanding is that Fox Files was a 8 broadcast that was a national broadcast. 9 Q. Okay. And what did the producer tell 10 you? 11 A. What I -- I just said what they told me. 12 I already said it. 13 Q. And do you remember anything else about 14 the conversation with the producer? 15 A. Right now, I don't recall anything other 16 than what I previously outlined. 17 Q. Okay. How about the offers, do you 18 remember anything else about the offers, anything 19 at all? 20 A. I've answered that question a number of 21 times. You've repeatedly asked it and I've 22 answered it.	132 1 it was a thick grade of paper that it was written 2 on. I don't believe that that's a result of any 3 third generation copying. 4 Q. Do you have an original version of this 5 copy? 6 A. My recollection, that I sent the original 7 to Mendelsohn. 8 Q. All right. And you made a copy for 9 yourself; is that correct? 10 A. That's what I recall, a copy of some 11 type, yes. 12 Q. Okay. And do you still have that first 13 generation copy that you made from the original? 14 A. I don't recall. 15 Q. Where would you -- how would you find 16 out? 17 A. I would look. 18 Q. Okay. Have you looked for it? 19 A. I looked for everything. Everything 20 relevant to this case, I've looked for everything 21 that is potentially responsive to your request. 22 Q. And did you find it?



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133 1 A. Not that I -- not that I recall. 2 Q. Okay. Do you have any idea where the 3 original is, the original photocopy? 4 A. You're saying "original photocopy." And 5 I'm not sure that that's what I said. I think that 6 a copy of some sort. I don't have a clear 7 recollection of whether it was a scan or a 8 photocopy, when it happened. So I -- 9 Q. Okay. 10 MS. PORTER: Mr. Siegel? 11 MR. SIEGEL: Yes. 12 MS. PORTER: Okay. If you guys can hold 13 on a second, I'm going to transfer you to the 14 judge. 15 MR. SIEGEL: Okay. 16 MS. PORTER: Thank you. 17 JUDGE HOWELL: Hello? 18 MR. SIEGEL: Yes. Your Honor? 19 JUDGE HOWELL: Yes. 20 MR. SIEGEL: Hi. 21 JUDGE HOWELL: Sounds like you all have 22 had a long day.	135 1 counsel, which we've asked him not to do instead of 2 just videotaping the witness. And we -- you know, 3 he has been doing it ever since. We objected to 4 that from the beginning. 5 We think it's clear that you can't do 6 this for two reasons. Number one, there was no 7 prior notice, there was no conversation. And, you 8 know, Mr. Slate will contend there was, but there 9 wasn't. And one has to ask one's self, if there 10 was prior notice, why is he sending this notice to 11 us at 11:04 a.m.? 12 THE WITNESS: The notice accompanied a 13 faxed letter, Your Honor. And when Mr. -- 14 JUDGE HOWELL: Who is that speaking? 15 THE WITNESS: That's Mr. Slate, Your 16 Honor. 17 JUDGE HOWELL: Okay. 18 THE WITNESS: It was a note on the fax 19 cover sheet that accompanied a letter that I faxed 20 them this morning, not after the hearing. And I 21 told them before that I intended to record my own 22 deposition and that's what I'm doing.
134 1 MR. SIEGEL: We indeed have a long day. 2 JUDGE HOWELL: So what is the situation? 3 My deputy clerk told me that he wanted to 4 tape-record part of the deposition and you have an 5 objection to that? 6 MR. SIEGEL: Yes. I mean, he has been 7 doing it and we've gone ahead with the deposition. 8 JUDGE HOWELL: Is it tape-recording or 9 videotaping? 10 MR. SIEGEL: No, it's videotaping. 11 The situation is we are -- we noticed a 12 deposition that's a videotape deposition. It's 13 being videotaped and it's being transcribed. It's 14 a standard videotape deposition. 15 JUDGE HOWELL: Right. 16 MR. SIEGEL: Mr. Slate sent us a fax at 17 11:04 a.m. this morning, after our hearing today. 18 And the fax says "per our conversation, plaintiff 19 will create his own recordings of today's 20 deposition." 21 And he brought his own videotape in and 22 he's been videotaping it, including videotaping	136 1 I don't understand what the problem is 2 with me video -- with taping exactly the same way 3 that they tape. The camera is pointed, I'm in the 4 frame. It's simply to document the deposition just 5 as they're documenting the deposition. 6 I understood from the rules that with 7 notice that I was allowed to do that. I'm not 8 doing anything wrong. I'm just trying to document 9 my own deposition. 10 JUDGE HOWELL: Yes, but videotape 11 depositions typically are only directed at the 12 deponent, not to anybody else in the room. That's 13 number one. 14 Number two, this is a little bit of a 15 different scenario than I thought, which was that 16 you were transcribing -- that the defendant who had 17 noticed the deposition had noticed it with a 18 transcription and then you were using a totally 19 different method under Rule 30. So this is a 20 little bit different, because he's using exactly 21 the same method that you are. 22 But, Mr. Slate, there is -- the operator



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137 1 of the videotape transcribing this, I presume, is a 2 professional person? 3 MR. SIEGEL: No, he's got his -- I'm 4 sorry, I won't answer for him. 5 JUDGE HOWELL: Well, who -- who are 6 operating the two videotape machines? 7 MR. SIEGEL: There's a professional, 8 there's a professional videographer operating the 9 machine that, you know, was with the company that 10 we had noticed it. 11 Mr. Slate has brought his own camera and 12 put it on a tripod. And that's what he is -- just 13 sitting there. 14 In our view, Your Honor, it's actually 15 pretty simple. There are really two different 16 issues here. 17 Number one, this simply can't be done. 18 That rule -- what Rule 30(b)(3) says is that if one 19 party designates one method, another party can 20 designate another method. 21 And Brighton Miller actually says that. 22 It says that in amendment it appears Rule 30(b)(3)	139 1 JUDGE HOWELL: The notice is -- the 2 notice is prior to the deposition. 3 THE WITNESS: No, I understand, and I 4 noticed it. 5 JUDGE HOWELL: And not -- and -- 6 Mr. Slate, please turn off your videotape. 7 THE WITNESS: Okay. 8 JUDGE HOWELL: And any part of that 9 videotape that you have already made, we do not 10 want to see that disseminated anywhere. 11 And you guys should get to the meat of 12 what you're supposed to be doing, which is getting 13 information that's relevant to the case. 14 MR. SIEGEL: And we have been trying to 15 do that, Your Honor. We didn't -- we went ahead 16 with the deposition. We didn't hold it up. 17 JUDGE HOWELL: Okay. Is there anything 18 else right now? 19 MR. SIEGEL: No, no, Your Honor. Thank 20 you. 21 JUDGE HOWELL: Okay. Thank you. 22 BY MR. BOWMAN:
138 1 does not authorize another party unilaterally to 2 employ its own operator to prepare a second record 3 of the deposition by the same means designated in 4 the original deposition notice. 5 And that makes sense. What we shouldn't 6 have here are dueling videotape records of the same 7 deposition. And, frankly, for the reasons that we 8 indicated this morning, we obviously have concerns 9 about why there would be any reason to. 10 THE WITNESS: I'm not trying to make 11 another copy of the record, Your Honor. I'm 12 just -- they have the record, the court reporter's 13 creating the record, the official videotape is done 14 by their professional videographer. 15 I simply have a video camera which is 16 trained at me, I'm in the frame. It's on a tripod, 17 it's not interfering in any way. And I understand 18 that it's not the official record. 19 I understood that I could do this with 20 notice. And I don't understand what their 21 objections are with me documenting my own 22 deposition.	140 1 Q. Okay. Mr. Slate, going back to the 2 letter we were discussing prior to the call with 3 chambers, at the time this letter was sent did you 4 show it to anybody? 5 A. I don't recall. I may have. 6 Q. Who do you think you might have shown it 7 to? 8 A. I usually always have my stuff proofed by 9 somebody. It's possible I showed it to Dorian. 10 Q. What's Dorian's last name? 11 A. Gibson. 12 Q. Is it possible you showed it to anybody 13 else? 14 A. It's possible. 15 Q. Who else could you have showed it to? 16 A. Anybody at the time I felt comfortable 17 with having them proof my work. 18 Q. And who would that have been in August, 19 2006? 20 A. I don't recall then. I can't recall 21 specifically. 22 Q. Okay. Rather than specifically, who



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141 1 generally was proofreading your work around that 2 time? 3 A. I don't recall. 4 Q. Who were your closest friends in August 5 of 2006? 6 A. I don't recall. 7 Q. Who is Dorian Gibson? 8 A. Person. 9 Q. How do you know Dorian Gibson? 10 A. Don't recall the exact circumstances 11 under which we met. 12 Q. Okay. What is your relationship with 13 Dorian Gibson? Is Dorian Gibson a friend? Is 14 Dorian Gibson a work colleague? 15 A. Dorian's a teacher, I think. 16 Q. Okay. Where does she teach? 17 Is it a man or a woman? 18 A. It's a man. 19 Q. Where does he teach? 20 A. I don't know. I don't recall. 21 Q. Is he a schoolteacher? Is he a college 22 professor?	143 1 A. I don't. 2 Q. When did -- 3 A. Well, and -- okay. 4 Q. And is there anyone else you can think of 5 that you could have showed this letter to or that 6 you believe you showed this letter to? 7 A. Not that I can recall right now. 8 Q. When did you first provide a copy of this 9 letter to your lawyers? 10 A. I don't recall. 11 Q. Did you provide a copy of this -- 12 A. I object to the question on 13 attorney/client privilege. 14 Q. Did you provide a copy of this letter to 15 your attorneys after your complaint in this case 16 was filed? 17 A. I object as privileged. 18 MR. BOWMAN: Okay. I would an ask the 19 court reporter to mark Defendant's Exhibit 12. 20 (Exhibit 12 21 marked for identification.) 22 BY MR. BOWMAN:
142 1 A. I don't know exactly. 2 Q. Okay. Do you know where he lives? 3 A. I think he may live in Miami. 4 Q. Did he live in Miami in August of 2006? 5 A. He's periodically lived in -- lived in 6 D.C. at one point. I don't remember where he lived 7 in '06, I'm sorry. 8 Q. If you showed this letter to Mr. Gibson 9 in August of 2006, would you have e-mailed it to 10 him, would you have handed it to him? 11 A. I couldn't say. 12 Q. Okay. 13 A. I don't recall how. I don't recall. 14 Q. Do you recall whether Dorian Gibson was 15 in Washington, D.C., in August of 2006? 16 A. Don't recall that specific -- 17 specifically, I don't recall. 18 Q. Do you have any general recollection of 19 him in D.C.? 20 A. What's that? 21 Q. Do you have any general recollection of 22 him in D.C. in August of 2006?	144 1 Q. Mr. Slate, have you seen this document 2 before? 3 A. It appears to have an ABC Bates stamp on 4 it. I don't specifically recall seeing this 5 before. 6 Q. Okay. Had you seen this document prior 7 to litigation? 8 A. Not that I recall. 9 Q. Okay. Did Diop Kamau tell you that he 10 was making a pitch to ABC to take undercover 11 footage of police officers in Chicago bars? 12 A. Not that I recall. 13 Q. Could he have told you that? 14 A. Could he have told me what? 15 Q. You said that you don't recall. 16 Could he have told you that? 17 A. What? 18 Q. That he was making a pitch to ABC to take 19 undercover footage of police officers in Chicago 20 bars. 21 A. I don't recall him telling me that. 22 Q. Okay. That's not exactly the question I



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145 1 asked. 2 What I'm trying to get at is when you say 3 "I don't recall," if that means "I don't remember 4 one way or the other," or if you mean that to say 5 "no, he didn't." 6 Did Mr. Kamau tell you he was making a 7 pitch to ABC to take undercover footage of police 8 officers in Chicago bars? 9 A. I don't recall him telling me that. 10 Q. Okay. Did Mr. Kamau ask you to forward 11 any materials to Glenn Ruppel? 12 A. Not that I recall. 13 MR. BOWMAN: I ask the court reporter to 14 mark Exhibit 13. 15 (Exhibit 13 16 marked for identification.) 17 BY MR. BOWMAN: 18 Q. Mr. Slate, the document marked as Exhibit 19 13 has a subject line, "gslate sent you a video!" 20 Does this refresh your recollection as to 21 whether or not Mr. Kamau asked you to send a clip 22 to Mr. Ruppel?	147 1 Q. This appears to be a video tip -- video 2 clip of a beating at Jesse's Shortstop Inn Tavern, 3 know as the Abbate tape. 4 Do you recall sending that or did you 5 send that to Mr. Ruppel? 6 A. You're saying that's what it appears to 7 be. There are no pictures on this thing. I don't 8 know. 9 Q. Okay. Well, let's put that aside. 10 Did you send -- 11 A. Not that I -- 12 Q. -- a videotape of the Abbate incident to 13 Mr. Ruppel? 14 A. Not that I recall. 15 Q. Okay. So last question about this, 16 Mr. Slate. 17 What do you think that subject line 18 means, "gslate sent you a video!"? What do you 19 think that is? 20 A. Can't speculate. 21 Q. But you don't think that's you? 22 A. I think I've answered the question.
146 1 A. No. 2 Q. Okay. I'd ask you to take a look at the 3 bottom of the document, where it says "Personal 4 Message." I'd like to read that aloud. 5 "This is the video of the Chicago Cop 6 beating a young bartender. Diop asked me to send 7 this to you. 8 "To accept my friend request, click here. 9 "To respond to gslate, click here. 10 "Thanks, gslate." 11 Does this refresh your recollection? 12 A. It doesn't refresh my recollection of any 13 conversation with Diop asking me to send anything. 14 Q. Okay. Did you write that? 15 A. I don't recall. 16 Q. Do you have any reason to believe you 17 didn't write that? 18 A. Nothing comes to mind. 19 Q. Did you send a video clip, this video 20 clip, to Mr. Ruppel? 21 A. I don't know what the video clip is, what 22 you're talking about.	148 1 Q. No. You said you don't recall sending 2 it. 3 Do you think that -- do you think that 4 you sent it? 5 A. I'm not -- I mean, nor have I ever been 6 service@youtube.com. 7 My answer to the question is I have no 8 recollection of sending this, if that's what it 9 purports to be. 10 MR. BOWMAN: Okay. Ask the court 11 reporter to mark Exhibit 14. 12 (Exhibit 14 13 marked for identification.) 14 THE WITNESS: Just take a moment. You 15 don't have to go off the record. I just want to 16 get that all the way off. It's not recording, but 17 I want to get it all the way off. 18 BY MR. BOWMAN: 19 Q. Mr. Slate, do you see Exhibit 14? 20 A. I see a piece of paper marked Exhibit 14 21 Slate. It's also marked, yeah. 22 Q. Okay. Did you receive this e-mail?



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149 1 A. No, not that I recall. 2 Q. Okay. And I asked you this earlier, and 3 you said you didn't recall. 4 Does this refresh your recollection as to 5 whether you used gsplate@policeabuse.org as an 6 e-mail address? 7 A. Does -- that it appears from this 8 document to have been CCed on an e-mail, does not 9 refresh my recollection. 10 Q. Did Mr. Kamau ask you to call Glenn 11 Ruppel about the filming in Chicago? 12 A. Not that I recall. 13 MR. BOWMAN: Ask the court reporter to 14 mark Exhibit 15. 15 (Exhibit 15 16 marked for identification.) 17 BY MR. BOWMAN: 18 Q. Mr. Slate, did you send this e-mail? 19 A. No, not that I recall. 20 Q. Okay. Mr. Slate, who do you think did? 21 A. Couldn't speculate. I don't even know it 22 was actually sent. It's a piece of paper. I don't	151 1 of -- 2 A. You're saying "signed." The words are 3 printed on a piece of paper. There's no signature 4 on there so far as I can see. 5 Q. Fair point. It's written at the end of 6 the e-mail, "Regards, Gregory A. Slate, Director, 7 The Police Complaint Center." 8 My question is, do you have reason to 9 believe that someone other than you sent this and 10 other similar e-mails? 11 A. The question seems to go back to 12 something that I've already addressed. I say again 13 that I reported to the FBI that Mr. Kamau had 14 stolen my identity. And beyond that, I can't 15 speculate. 16 Q. Okay. So your position is that Mr. Kamau 17 was sending these e-mails? 18 A. I did not say that. You're putting words 19 in my mouth. 20 Q. I'm trying to understand what your 21 testimony is today. 22 Your testimony is that you don't
150 1 know what that is. 2 Q. Do you believe this e-mail wasn't sent? 3 A. I couldn't speculate. 4 Q. Do you see the signature block, "Regards, 5 Gregory A. Slate, Director, The Police Complaint 6 Center"? 7 A. I see those words. 8 Q. Okay. Do you believe that that wasn't 9 you that sent this e-mail? 10 A. I've already answered the question. 11 Q. You said you don't recollect sending it. 12 Do you believe that someone other than 13 you sent it? 14 A. I don't even know that it's an e-mail. 15 It's a piece of paper that you've marked and put in 16 front of me. You keep describing it as an e-mail. 17 I -- I couldn't speculate. 18 Q. Mr. Slate, I'll represent to you that 19 this is a printout of an e-mail that ABC produced 20 in discovery, in both native format and as a PDF. 21 My question to you is this. There are 22 these e-mails signed by Gregory A. Slate, director	152 1 recollect sending this. And when I ask who do you 2 believe did, your answer is that Mr. Kamau stole 3 your identity; is that correct? 4 A. No, it's not correct, and you know it's 5 not correct. You're putting words in my mouth, and 6 I would appreciate it if you would stop it. That's 7 not what I said. The record reflects what I said. 8 You keep trying to put words in my mouth. Please 9 stop. 10 Q. Okay. Help me understand. 11 Is it your position that you did not send 12 this e-mail? 13 A. I've answered the question. 14 MR. BOWMAN: Okay. Ask the court 15 reporter to mark 16. 16 (Exhibit 16 17 marked for identification.) 18 BY MR. BOWMAN: 19 Q. Do you recognize this document, 20 Mr. Slate? 21 A. I don't immediately recognize it. 22 Q. Okay.



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153 1 A. It appears to have a Bates stamp on it. 2 It's marked as an exhibit. It looks like something 3 that may have been produced, along with thousands 4 of other documents, by the defendants. 5 Q. Okay. There appear to be two e-mail 6 addresses on this e-mail: Policeabuse-greg -- 7 gslate@policeabuse.org, and gslate@policeabuse.org. 8 We've talked about the gslate@policeabuse.org. 9 Did you ever use the 10 policeabuse-gslate@policeabuse.org address? 11 A. Not that I recall. 12 Q. Okay. Did you send this e-mail? The one 13 at the top, "We will get with you on Monday with a 14 date." 15 A. Not that I recall. 16 Q. Did you receive the e-mail in the chain 17 below that? 18 I've gotten the money, or the dollar 19 sign, officially approved and put the invoices in 20 for payment. Since you are already in our system, 21 it shouldn't take too long. Any idea when you can 22 start the surveillance? Thanks, Glenn.	155 1 like something that may have been produced by ABC 2 in discovery. 3 Q. Okay. Did you receive this e-mail? 4 A. Which one? 5 I don't know. You're saying it's an 6 e-mail. I don't know that it's an e-mail. I don't 7 know what exactly it purports to be. It's got a 8 lot of incoherent strings of digits and things on 9 it. 10 Q. Okay. Did you receive from Glenn Ruppel 11 and/or Mary Healy at ABC your itinerary for your 12 trip to Chicago? 13 A. For which trip? 14 Q. Trip to Chicago in August of 2007. 15 A. My question presumes that there was a 16 trip and I don't have a specific recollection of 17 the trip, that trip, if it was a trip. 18 Q. Okay. You registered -- 19 A. I don't have a specific recollection. 20 Q. One of the -- this lawsuit is about, in 21 part, videotape that you claim you shot in August, 22 September, and October, in Chicago, that ABC used.
154 1 A. As I told you when you asked me if I 2 recognize it, I said I didn't recognize it. And I 3 don't even know what system of Glenn's I would be 4 in or anything. 5 I don't recognize that document. I don't 6 recall seeing, sending or receiving anything to do 7 with it. 8 Q. Okay. Did you ultimately film at 115 9 Bourbon Street? 10 A. I don't recall a specific address. 11 Q. Did you ultimately film at a bar called 12 Bourbon Street? 13 A. I don't specifically recall a name. 14 MR. BOWMAN: Okay. Ask the court -- pass 15 to the court reporter to be marked as defendant's 16 Exhibit 17. 17 (Exhibit 17 18 marked for identification.) 19 BY MR. BOWMAN: 20 Q. Mr. Slate, do you recognize this 21 document? 22 A. It's got a Bates number on it. Looks	156 1 Does that -- did you go to Chicago in 2 August of 2007 to shoot video? 3 A. As I previously said, I went to Chicago a 4 number of times in 2007. 5 Q. Okay. Did you ask for the trip in August 6 for your flight to be changed? 7 A. Not that I recall. 8 Q. Okay. Did ABC make the flight 9 arrangements for you? 10 A. I can't speak for ABC. 11 Q. How did you know what plane to get on? 12 A. When? 13 Q. When you got on the plane to go to 14 Chicago in August of 2007. 15 A. I don't have a specific recollection of 16 getting -- of that flight in August of 2007. I 17 went to Chicago a number of times in 2007. 18 Q. Okay. Did ABC ever pay for your plane 19 ticket? 20 A. I can't speak for ABC. 21 Q. Did you pay for your plane ticket for 22 your trips to Chicago?



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157 1 A. I've testified before that, the same 2 deposition, that I paid for plane tickets to 3 Chicago, to and from Chicago, in 2007. 4 Q. Okay. 5 A. I don't know exactly which ones, when 6 they were, what flights, the dates of the flights, 7 or anything like that. 8 Q. Did you pay for all your flights to 9 Chicago, to or from Chicago, in August, September, 10 and October of 2007? 11 A. I couldn't say for certain. 12 Q. Okay. The trips you took to Chicago for 13 filming, did you travel alone? 14 A. As I said, I don't specifically recall 15 each trip I took to Chicago in 2007. 16 Q. Okay. The filming you did that's the 17 issue, that's at issue in this lawsuit, did anyone 18 work with you on that filming? 19 A. Define "work with." 20 Q. Were you in Chicago by yourself doing 21 filming or did you have others who were 22 collaborating with you, coordinating with you,	159 1 did the Chicago filming? 2 A. Can you define "accompanied"? 3 Q. Were you in Chicago doing the filming by 4 yourself? 5 A. All of the footage contained in -- all of 6 the Chicago footage, all the footage in the 7 copyrights, was shot by me. Obviously Chicago's a 8 big city. There are a lot of people in Chicago. 9 Q. Okay. Was Jack Baird with you? 10 A. I recall John being in Chicago at the 11 same time that I was, at various times in 2007. 12 Q. Okay. Do you remember which time he was 13 with you? 14 A. I couldn't say exactly. 15 Q. Okay. What was he doing there? 16 A. I can't speak for John. 17 Q. I'm not asking you to speak for John. 18 What did you witness him doing? 19 A. Variety of things. 20 Q. Like what? 21 A. John was drinking, John was eating, John 22 was doing a lot of things. John was doing what
158 1 present with you for the filming? 2 A. Of the footage of which, of which 3 filming? 4 Q. Okay. Let's make it a definitional 5 issue. You've put three copyright registrations at 6 issue in this lawsuit -- 7 A. Uh-huh. 8 Q. -- that purport to include certain 9 footage filmed in August, 2007; October, 2007; and 10 September, 2007. Okay. 11 Do you understand what I'm referring to? 12 A. Yes. 13 Q. Okay. 14 A. How would you like to refer to that? 15 Q. Let's talk about that as the Chicago 16 footage, the Chicago filming. 17 Were you accompanied by anybody when you 18 did the Chicago filming? 19 A. All of the Chicago footage was shot by 20 me. 21 Q. Okay. That's not what I asked. 22 Were you accompanied by anybody when you	160 1 John does. 2 Q. Did John also take footage, record 3 footage? 4 A. I can't speak for John. You want to ask 5 me to speak for John, I don't know what John did. 6 Q. Did you observe Mr. Baird also shooting 7 footage? 8 A. John didn't shoot any footage that's in 9 my copyrights. 10 Q. That's not what I asked. 11 A. Okay. 12 Q. Did you observe Mr. Baird shooting 13 footage while you were with him in Chicago? 14 A. Not that I recall. 15 MR. BOWMAN: Okay. I'd ask the reporter 16 to mark Exhibit 18. 17 (Exhibit 18 18 marked for identification.) 19 BY MR. BOWMAN: 20 Q. Mr. Slate, do you recognize this 21 document? 22 A. It looks like a document that was



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1 attached to a letter from Teresa Carlie, sent to 2 my -- sent to a firm I was working with in New 3 York, and then forwarded on to me by them. That's 4 what it looks like. 5 Q. Was that the first time you saw it? 6 A. It's the first time I recall having seen 7 it. 8 Q. Okay. Do you recognize Mr. Baird's 9 signature? 10 A. I wouldn't know John's signature if I -- 11 you know, I wouldn't, wouldn't know it. 12 Q. Did you ask Mr. Baird to sign this? 13 A. Not that I recall. 14 Q. Is it possible you asked Mr. Baird to 15 sign this? 16 A. I don't -- I don't think so. I don't 17 recall. 18 Q. Did you give Mr. Baird this document? 19 A. Not that I recall. 20 Q. Did you have any written agreement with 21 Mr. Baird? 22 A. Not that I recall.	1 Q. Okay. Did you seek reimbursement from 2 the Police Complaint Center for the cash that you 3 gave Mr. Baird? 4 A. Not that I recall. And I -- you keep 5 saying the Police Complaint Center. Not that I -- 6 no, I don't recall. 7 Q. Okay. Did you seek reimbursement from 8 Mr. Kamau for the cash that you gave Mr. Baird? 9 A. Not that I recall. 10 MR. BOWMAN: I'd ask the reporter to mark 11 Exhibit 19. 12 (Exhibit 19 13 marked for identification.) 14 BY MR. BOWMAN: 15 Q. Mr. Slate, did you send this e-mail to 16 Diop Kamau? 17 A. You're saying that it's an e-mail. I 18 don't -- I mean, it looks like, if it really is an 19 e-mail, it looks like an e-mail sent from police 20 abuse dot -- oh, wait, looks like -- it doesn't say 21 where it was sent from. And it looks like it was 22 sent to, purports to be sent to
1 Q. Did you pay Mr. Baird money? 2 A. I've given Jack some cash. 3 Q. When did you give him cash? 4 A. I don't recall exactly. 5 Q. Did you give him cash in August of 2007? 6 A. Couldn't say for certain. 7 Q. Do you think you gave him cash in August 8 of 2007? 9 A. I couldn't be certain. I think I gave 10 him cash around then. 11 Q. Why? 12 A. There are a number of reasons. 13 Q. What were they? 14 A. Because I like him, because I liked 15 having him around, because I found his presence to 16 be helpful sometimes. 17 Q. Was it a gift? 18 A. I wouldn't describe it as a gift. 19 Q. What was it? 20 A. Giving Jack some cash. 21 Q. Because you liked having him around? 22 A. I said that.	1 policeabuse.pcc@gmail.com, sometime March 25th, 2 2010. 3 Q. That's been forwarded. I'm looking, I'd 4 like to direct your attention to the original 5 message below in the printout, from Greg Slate, 6 mail to gslate@policeabuse.org, dated Friday, 7 September 14th, 2007. Subject, mutiny on the 8 bounty. 9 Quote, I response to your accusations 10 relative to Jack. This is an e-mail I drafted 11 August 22nd but didn't send. 12 Did you write those words? 13 A. Not that I recall. 14 Q. Did you write the other words in this 15 document, the next two paragraphs? 16 A. Not that I recall. 17 Q. Okay. You have the belief that someone 18 was using gslate that wasn't you? 19 A. I would ask you again to stop putting 20 words in my mouth. 21 Q. I asked you a question. 22 A. What's the question?



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165 1 Q. Would you contend here that someone other 2 than you sent this message? 3 A. I've never said that. 4 Q. Okay. 5 A. I don't even know which message you're 6 talking about. 7 Q. I'm talking about the message, the 8 document in front of you, Exhibit 18. 9 A. I'm not policeabuse.pcc@gmail.com or 10 anything else listed on there, nothing. 11 MR. BOWMAN: Okay. I'd like to ask the 12 court reporter to mark Exhibit 20. Are we up to 13 20? 20. 14 (Exhibit 20 15 marked for identification.) 16 BY MR. BOWMAN: 17 Q. Mr. Slate, do you recognize this 18 document? 19 A. It has a Bates stamp on it which again 20 looks like something that defendants produced in 21 discovery. 22 Q. Okay. This appears to be an e-mail from	167 1 to change? 2 MR. BOWMAN: We're going to take a quick 3 break and change tapes. 4 VIDEOGRAPHER: This is the end of -- 5 MR. SIEGEL: Got to go to the restroom 6 myself. 7 VIDEOGRAPHER: This is the end of 8 videotape number two of the testimony of Gregory 9 Slate. February 25th, 2011. 10 Off the record at 5:45:27. 11 (Recess taken at 5:45 p.m.) 12 (Deposition resumed at 5:54 p.m.) 13 VIDEOGRAPHER: This is videotape number 14 three of the testimony of Gregory Slate. February 15 25th, 2011. 16 On the record at 5:54:43. 17 MR. BOWMAN: I'd ask the court reporter 18 to mark Defendant's Exhibit 21. 19 (Exhibit 21 20 marked for identification.) 21 BY MR. BOWMAN: 22 Q. Mr. Slate, what is this?
166 1 gslate@umd.edu. 2 I think you testified earlier that you 3 use that e-mail address; is that right? 4 A. That's correct, that's what I testified 5 to. 6 Q. Okay. Did you send this e-mail? 7 A. I don't agree that it's necessarily an 8 e-mail. And it's not complete. It doesn't appear 9 to be complete. Doesn't have a lot of information 10 on it. 11 I don't specifically recall sending this 12 e-mail. 13 Q. Do you have any reason to believe that 14 you didn't send this e-mail? 15 A. Nothing comes to mind. 16 Q. Okay. Do you have any reason to believe 17 that this e-mail address as well was a subject of 18 identity theft? 19 A. I never said that any e-mails were 20 subject to identity theft. 21 Q. Okay. 22 MR. SIEGEL: Do you want to take a break	168 1 A. It appears to be exhibit marked Number 2 21. 3 Q. Okay. What is this? What is Exhibit 4 Number 21? 5 A. It appears to be something that resembles 6 a website printout. 7 Q. Okay. Is this your website? 8 A. It appears to be it in some incarnation. 9 I couldn't say that -- I wouldn't say that that's 10 it. There's a lot of things that aren't there, 11 missing things. Wouldn't say it's an accurate 12 representation. 13 Q. Okay. Do you maintain a website? 14 A. Define "maintain a website." 15 Q. Do you host a website? Do you update, 16 provide content for a website? 17 A. I wouldn't say that, that I update and 18 provide content for a website. 19 Q. What would you say? 20 A. About what? 21 Q. Do you have a website titled "Greg Slate, 22 Investigative Journalism and Film Production"?



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169 1 A. I own the domain name gregslate.com. 2 Q. Okay. Is this printout -- do you 3 recognize this printout as from gregslate.com? 4 A. As I said, it seems to be missing, 5 pictures aren't there. And it's similar in some 6 respects to what a printout might look like. I 7 never printed off the website. I don't know. 8 Q. Okay. Do you recognize the text? Did 9 you write the text? Putting aside the graphic 10 elements of how it might look printed out. 11 A. I don't recall writing that text. I 12 don't. I can't be certain. I'm not going to say 13 that I'm the author of something that I'm not. I 14 don't know that I wrote that specific text. 15 Q. Okay. Does anyone other than you edit 16 the content of gregslate.com? 17 A. I mean, I would disagree that it's edited 18 often, or anything like that. 19 Q. Who provides the content at 20 gregslate.com? 21 A. What content? 22 Q. The textual content that appears on the	171 1 resembling that of a producer. 2 Q. Okay. Were you personally the recipient 3 of the award? 4 A. I'm not certain how the RTNDA awards. I 5 think that the way that they do it is they -- my 6 understanding of the way they do it is they award 7 it to the piece. And then my understanding of 8 industry practice is that actually the piece is 9 generally regarded to be the recipient. 10 Q. And you were attached to the piece? 11 A. Define how you're using "attached." 12 Q. I'm using your words. 13 A. Okay. If you're using it the same way I 14 am, sure, I was attached. 15 Q. Were you paid for your work with KCTV? 16 A. I believe my recollection is that I was. 17 Q. How much were you paid? 18 A. I don't recall. 19 When you say "work with," I wouldn't say 20 that I was paid by KC. My recollection is being 21 paid by Meredith. 22 Q. Did you receive anything other than
170 1 web page that you said you owned. 2 A. I mean, this text appears to be text 3 recounting my background. 4 Q. Okay. 5 A. I don't recall who wrote it. 6 Q. Did someone write text for your website 7 for you? Is this an accurate representation of the 8 awards and citations you received, for example? 9 A. It appears to be at first glance. 10 Q. Okay. Did you win the RTNDA Edward R. 11 Murrow award in 2007? 12 A. It was awarded to "Police Station 13 Intimidation," as outlined in this. That appears 14 to be an accurate recitation of the award that was 15 given to that story. 16 Q. Okay. What was your role with that 17 story? 18 A. Define "role." 19 Q. What, if anything, did you do with regard 20 to that story? 21 A. Say in general terms, I shot some of the 22 footage and -- and I would say acted in a role	172 1 reimbursement for your expenses? 2 A. My recollection is that I did. 3 Q. Okay. Did you sign a license? 4 A. No, not that I recall. 5 Q. Did you go to an awards show or award 6 ceremony? 7 A. No, not that I recall. 8 Q. Did you receive an Emmy Award as a 9 producer for a WITI series, "Conduct Unbecoming"? 10 A. Yes. An Emmy Award, is that what you're 11 referring to, the Emmy Award that I received? 12 Q. Yes. And what was your role with regard 13 to that broadcast? 14 A. Say my recollection is that it was 15 generally similar to the role of the KCTV. 16 Q. What did you do specifically for the 17 broadcast? 18 A. Define "for the broadcast." 19 Q. What did you do specifically with 20 relation to the "Conduct Unbecoming" piece that won 21 the award? 22 A. I would say that generally did what a



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173 1 producer would do. That's how I was described. 2 Q. Okay. And what does a producer do or 3 what did you do in this case? 4 A. My recollection is that in this case I 5 conceptualized how the story or, rather, how the -- 6 say that I generally conceptualized and executed 7 the gathering of the content for the broadcast. 8 Q. By "gathering of the content," you mean 9 filming? 10 A. I would include that. Filming would be 11 something that I would include. 12 Q. Okay. What else in addition to filming 13 would be included in gathering the content? 14 A. Determining how to gather it. I mean, a 15 lot of things. I couldn't -- couldn't recite. 16 Nothing -- off the top of my head, I couldn't 17 recite everything that would go into it. 18 Q. Okay. Were you personally the recipient 19 of this award? 20 A. Yes. 21 Q. Okay. What was the involvement of the 22 Police Complaint Center in this broadcast, "Conduct	175 1 My recollection of the award entry is 2 that their name is not attached to it. His name, 3 neither his name or the Police Complaint Center, is 4 attached to the award entry. 5 So I -- with what I've got in front of 6 me, no, I can't give you the answer. 7 Q. Did the Police Complaint Center lobby to 8 get your name added to the award? 9 A. Not that I -- not that I'm aware of. 10 Q. I'd ask that -- 11 A. What do you mean, "lobby"? 12 Q. Request. To your knowledge did the 13 Police Complaint Center request that your name be 14 added to the award? 15 A. Of whom? 16 Q. Of anybody. 17 A. I mean, not that -- not to my knowledge. 18 And I don't -- and, frankly, I'm grasping at who 19 one would ask to receive an Emmy Award. I imagine 20 that if it were as simple as asking, that everybody 21 would have them. 22 MR. BOWMAN: Okay. I'd ask the reporter
174 1 Unbecoming"? 2 A. My recollection is that -- that the piece 3 was -- that it was shot in Milwaukee. And that 4 Mr. Kamau was never there, was never in Milwaukee 5 during the filming of that piece. 6 Q. Okay. But what was the involvement of 7 the Police Complaint Center? 8 A. I can't speak for Mr. Kamau, Police 9 Complaint Center, whatever it is that you're 10 calling him. 11 Q. I'm not asking you to speak for 12 Mr. Kamau. 13 What was your understanding of the 14 involvement in the piece, of the Police Complaint 15 Center in this story? 16 A. Not having all the facts, I really 17 couldn't answer the question. 18 Q. Okay. Can you answer the question the 19 best of your ability? 20 A. As I said, I don't recall Diop or the 21 Police Complaint Center being in Milwaukee during 22 the filming of this, of that piece.	176 1 to mark Exhibit 22, I believe. 2 (Exhibit 22 3 marked for identification.) 4 BY MR. BOWMAN: 5 Q. Mr. Slate, do you recognize this 6 document? I direct your attention to the second 7 chain, second e-mail header. 8 A. I mean, it appears to -- it has a Bates 9 stamp and it's marked as Exhibit 22. It looks like 10 what you've previously described as e-mails. 11 It appears to be on its face an e-mail 12 sent March 25th, 2010, at 4:48 p.m., to 13 policeabuse.pcc@gmail.com, and does not say from 14 where it was purportedly sent. 15 Q. Okay. I'd like to direct your attention 16 to the, further down in the chain, the date, 17 Tuesday, December 12th, 2006; thread, "Greg's a 18 winner"; text, "Congratulations! Greg Slate is 19 officially an Emmy award-winning investigative 20 producer for the Chicago/Midwest region. They 21 approved Greg's addition to the winning entry (see 22 message below). And they've attached an order form



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177 1 for a statue or other award." 2 Did you receive that? 3 A. Not that I recall. 4 Q. Okay. Did you ever order a statue? 5 A. I have an Emmy statue. 6 Q. How did you get it? 7 A. I received it as a -- as a -- I received 8 the Emmy Award. I have the Emmy Award. It was 9 given to me, I received it. 10 Q. Okay. Do you have any reason to think 11 that you were not added in December of 2006 as an 12 award recipient? Do you have any reason to think 13 that's incorrect? 14 A. What do you mean, "added"? 15 Q. Well, "They approved Greg's addition to 16 the winning entry, (see message below)." 17 Go down to the message below. Forwarded 18 message, "Rebekah, As we talked about on the phone, 19 would I like to know if it is still possible to add 20 a qualified entrant to the winning entry in 21 Category 2b, Investigative Series." 22 Next paragraph. "I neglected to include	179 1 Q. Okay. You say "whenever it was that it 2 was awarded." 3 When did you learn that you'd won the 4 Emmy? 5 A. I don't recall exactly the first time 6 that I knew that they had given the Emmy Award. 7 Q. Okay. Do you know approximately when you 8 learned? 9 A. If I had to guess, I would guess it was 10 sometime in 2006, or early 2007, when a lot of 11 people started calling me and asking me to -- I was 12 getting a lot of calls about it when I received 13 that award. 14 Q. Did you attend an award ceremony? 15 A. No, not that I recall, no. 16 MR. BOWMAN: Okay. Maybe I can help you 17 fix the time. 18 We're on 23. Ask the court reporter mark 19 Defendant's Exhibit 23. 20 (Exhibit 23 21 marked for identification.) 22 BY MR. BOWMAN:
178 1 Greg Slate as a producer. He is co-founder of the 2 'Police Complaint Center' in Washington, DC, a 3 non-profit organization that has lended its 4 expertise news organizations across the country. 5 We hired Greg to supply his expertise in guiding 6 our investigation." 7 Next paragraph. I did not include Greg's 8 name initially -- originally, because I did not 9 think entrants from outside the news organization 10 were qualified. 11 A. Those aren't my words. 12 Q. But was that correct? 13 A. Was what correct? 14 Q. Were you added to the award? 15 A. I have -- I mean, I know that I received 16 it. I know that the Television Academy has listed, 17 in all of their publications, my name as a 18 producer, as receiving the Emmy Award, 2005, 2006; 19 and that my name does not appear to be in different 20 from anyone else that received it at whenever it 21 was that it was awarded. So I -- I don't really 22 know how to answer your question.	180 1 Q. Okay. So Exhibit 22 purports to be an 2 e-mail adding you to the Emmy Award on December 3 11th, 2006. It appears the actual awards were 4 awarded on November 19th of 2006. 5 Do you recall whether you learned about 6 the award in the month between the announcement and 7 December, or did you learn after December 12th, 8 2006? 9 A. I really do not have a clear recollection 10 of, you know -- what you're saying is that when 11 they awarded it, I mean, I don't know -- I don't 12 know what all that means, if they even had a 13 ceremony. I think that at the regional level it's 14 sort of kind of announced. 15 I don't really know all that much about 16 it and I don't have a clear recollection of when it 17 was awarded, if I were -- was added later, I mean, 18 as you suggest. I've never seen anything to that 19 effect. 20 Like I said, my name -- I mean, it's -- 21 let's see, where is it? 22 Q. I think it's 2-b.



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181 1 A. 2-b. Outstanding Achievement Within a 2 Regularly Scheduled News Program - Investigative 3 Series, awarded to reporter/producer, judged by New 4 York chapter, 8 entries, "Conduct Unbecoming." And 5 then it lists Brian Polcyn as a reporter, Michelle 6 Murray, David Michuda, and Greg Slate as producers. 7 And I can't see on here any indication or 8 anything that makes me believe that I was -- 9 there's absolutely nothing different about the way 10 that my name is listed in this document than 11 anybody else's name is listed in it. 12 Q. Okay. And what is this document? 13 A. It says that it's a list of the 14 2005-2006, Chicago/Midwest Chapter, National 15 Academy of Television Arts and Sciences award. 16 Q. And you produced this in discovery, 17 right? 18 A. Are you telling me that I did? 19 Q. Yes, you did. 20 A. If I -- if you're telling me that I did, 21 then it was produced in discovery. 22 Q. Okay. Do you know where you got this?	183 1 A. I don't think so. 2 Q. Okay. Have you won any other Emmy 3 Awards? 4 A. No. Only won one Emmy Award. 5 Q. I'd like to ask you a question about an 6 earlier exhibit. And I apologize. I have to find 7 it. I'd like to ask you about Exhibit 11. 8 I'd like to direct your attention to the 9 final page, top line. I'd like to read the letter. 10 "In terms of compensation, I do not work 11 for free or for expenses only. I have paid my dues 12 as a journalist and my recent success, including 13 receiving an Emmy Award for Investigative 14 Journalism, have substantially elevated the value 15 of my work." 16 My question is this. If this letter were 17 actually drafted and sent in August of 2006, what 18 recent Emmy were you talking about? 19 A. I'm certain that I was talking about that 20 Emmy. 21 Q. Okay. So you believe it was awarded 22 before August, 2006?
182 1 A. My recollection is that that is published 2 on the Television Academy's website. 3 Q. Okay. So did you print this off the 4 website? 5 A. I'm sure I did at some point. 6 Q. Do you know when you printed it? 7 A. I don't recall exactly. 8 Q. Okay. Is it possible you printed it 9 after December 12th, 2006? 10 A. I couldn't -- I couldn't say. 11 Q. Okay. Have you won any other journalism 12 awards? 13 A. Define "journalism awards." 14 Q. Have you won any other awards analogous 15 to the Edward R. Murrow Award or the Emmy Award 16 that we've already talked about? 17 A. I couldn't say with certainty right off 18 the top of my head. None of the -- nothing that 19 fits squarely into what you're saying comes to 20 mind. 21 Q. Okay. Do you have any other statues? 22 You mentioned that you have the Emmy Award.	184 1 A. It appears that I had knowledge that it 2 was awarded then. 3 Q. What knowledge did you have? 4 A. Apparently that I had received it. 5 Q. How did you find out that you had 6 received the Emmy before the award was announced in 7 November, 2006? 8 A. Well, you're saying the award was 9 announced in November. That's what you're saying. 10 Q. Do you have reason to believe -- 11 A. You're saying that -- 12 Q. -- it was announced earlier? 13 A. I have no way of knowing. I told you 14 that I didn't -- I don't recall when they told me 15 that I had gotten it. 16 So when the document's created, when that 17 document was created, when it was officially 18 awarded, you'd have to ask Television Academy. I 19 mean, it's -- it's 2005-2006. So the periods, I 20 don't have a clear understanding of when exactly 21 those awards are announced, when the official 22 everything is done.



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185 1 It's possible that -- I don't know. I 2 mean, obviously the nominations precede the awards 3 by some time. So, I mean -- 4 MR. BOWMAN: Okay. Let's take a short 5 break. Go off the record. 6 VIDEOGRAPHER: Off the record at 6:23:23. 7 (Discussion off the record at 6:23 p.m.) 8 (Deposition resumed at 6:35 p.m.) 9 VIDEOGRAPHER: On the record at 6:35:11. 10 BY MR. BOWMAN: 11 Q. Mr. Slate, did there come a time when you 12 sent an e-mail to Glenn Ruppel purporting to 13 withdraw any license to use footage that you shot? 14 A. I recall sending Glenn a certified 15 letter. 16 Q. Certified letter? 17 A. I think my recollection is that it was a 18 certified letter, return receipt. 19 Q. Do you have a copy of that return receipt 20 and that letter? 21 A. I think I produced copies to you. I 22 think the letter --	187 1 A. Okay. 2 Q. What were these receipts for? 3 A. Okay. Well, these are certified mail, 4 these appear to be certified mail receipts. 5 Q. Okay. Do you know what you were sending? 6 A. My recollection is that that was a letter 7 to Glenn. 8 Q. Okay. We're looking at the top left of 9 the first page. 10 Was that the letter you were just 11 referring to, the withdrawal of license letter? 12 A. You're saying "withdrawal of license," 13 which presumes that there was a -- I mean, I sent 14 Glenn a certified letter. I don't necessarily 15 agree with your characterization of the letter. 16 Q. Okay. What is your -- 17 (Mr. Siegel left the room.) 18 MR. BOWMAN: I'd ask the reporter to mark 19 Exhibit -- let's do it this way. Let's go to 20 Exhibit 25 and circle back to this. 21 (Exhibit 25 22 marked for identification.)
186 1 MR. BOWMAN: Okay. Ask the reporter to 2 mark Exhibit 24. 3 (Exhibit 24 4 marked for identification.) 5 BY MR. BOWMAN: 6 Q. Mr. Slate, what is this document? 7 A. It appears to be a -- I'm sorry, you guys 8 are talking. I don't know what you -- 9 Q. Sorry. This is a two-page exhibit. 10 MR. SIEGEL: No, this is the second page. 11 BY MR. BOWMAN: 12 Q. My apologies. This appears to be a 13 two-page exhibit. 14 A. If you say so. 15 Q. Okay. What is this document? 16 A. Appears to be photocopies of return 17 receipts and a receipt -- yeah. 18 Q. Okay. Do you know what that was a return 19 receipt for? 20 A. Which one? You want to point to what 21 you're asking about? 22 Q. Let me start, go one by one.	188 1 BY MR. BOWMAN: 2 Q. Mr. Slate, do you recognize this 3 document? 4 A. Which one? 5 Q. 25. 6 A. It appears to be a copy of a 7 Bates-stamped Exhibit produced by defendants. 8 Q. Okay. Is this an e-mail that you sent? 9 A. It appears to be. 10 Q. Okay. Did you send this? 11 A. I believe that I -- this looks like an 12 e-mail that I sent. 13 Q. Okay. What is the subject line of this 14 e-mail? 15 A. "Withdrawal of license." This document 16 purports that the subject line was "withdrawal of 17 license." 18 Q. Okay. What license were you referring 19 to? 20 A. Then when I wrote it? 21 Q. Yeah. 22 A. I -- my recollection is that I was



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189 1 referring to any, any license that anybody believed 2 they may have had as to my footage. 3 Q. Okay. Why would anybody believe they had 4 any license to your footage? 5 A. I can't speak for anybody. 6 Q. Why did you think that Glenn Ruppel may 7 have thought he had a license to your footage? 8 A. I wanted to be sure that he knew that he 9 didn't. 10 Q. Okay. Why did Glenn Ruppel have your 11 footage? 12 A. The question presumes some specific, 13 that -- I mean, I -- 14 (Mr. Siegel entered the room.) 15 THE WITNESS: Can you define "have"? 16 BY MR. BOWMAN: 17 Q. Okay. Did Glenn Ruppel not have your 18 footage, have copies of your footage or your 19 original footage? 20 A. I mean, what -- on this, on which day? 21 When? Which footage? 22 Q. So you purported to withdraw any license,	191 1 Q. Okay. Why did you write here in the last 2 sentence, "Please respond within ten business days 3 of the date of this letter and/or return all of my 4 original tapes and footage"? 5 A. To request that he respond within ten 6 days and return any footage of mine that he had. 7 Q. Okay. What footage of yours did he have? 8 A. I don't recall which specific footage it 9 was that -- I can't speak for him about what he 10 had. 11 Q. What did you provide to him? 12 A. What do you mean, "provide"? 13 Q. What original tapes or footage did you 14 give to Mr. Ruppel? 15 A. You presume that I gave him -- you're 16 saying "gave." I'm saying that I showed him. 17 Q. Mr. Slate, you're asking for them back. 18 Are you denying that you provided tapes? 19 A. I'm not deny -- I'm not denying anything. 20 What I'm saying is that I was asking for the return 21 of any of my footage, any of my tapes. 22 Q. Okay. What tapes did he have?
190 1 right, from Mr. Ruppel or ABC News of your footage. 2 What footage were you referring to? 3 A. Well, the letter says any footage I shot 4 in Chicago. 5 Q. Okay. Why did Mr. Ruppel have that 6 footage? 7 A. I can't speak for Ruppel having it on 8 that particular day or which -- I can't speak for 9 Ruppel. 10 Q. How did Mr. Ruppel come to have your 11 footage? 12 A. I can't speak for Mr. Ruppel. 13 Q. Did you send your footage to him on a 14 hard drive? 15 A. I recall showing Glenn my footage. 16 Q. How did you show him your footage? 17 A. I don't recall specifically how I showed 18 him the footage in every single instance, all the 19 footage. 20 Q. What do you recall? 21 A. I recall showing him footage I believe on 22 a laptop.	192 1 A. I can't speak for him. 2 Q. Okay. Let me ask one more time. 3 What tapes did you provide? 4 Let's break this down. Mr. Ruppel was in 5 Chicago with you; is that correct? 6 A. When? 7 Q. In October of 2007. 8 A. I don't recall if he was specifically 9 there in October. He may have. 10 (Mr. Siegel left the room.) 11 BY MR. BOWMAN: 12 Q. Was Mr. Ruppel with you in Chicago during 13 any of the filming for the Chicago project? 14 A. Ruppel was in Chicago at the same time 15 that I was at some point, but for a very small 16 amount of time that I was there. 17 Q. Okay. Did you give him any tapes or 18 recordings while he was there? 19 A. Define "give." 20 Q. Did you physically hand over possession 21 of any tapes or recordings to Mr. Ruppel while he 22 was in Chicago?



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193 1 (Mr. Siegel entered the room.) 2 THE WITNESS: I recall showing Glenn 3 footage while he was in Chicago. 4 BY MR. BOWMAN: 5 Q. Okay. That's not what I asked. 6 Did you provide tapes or footage to 7 Mr. Ruppel when he was in Chicago? Did you 8 physically hand over any tapes or footage to Mr. 9 Ruppel when he was in Chicago? 10 A. I recall showing him footage in Chicago. 11 Q. That's not what I asked. 12 A. I understand. But I'm telling you what I 13 recall. 14 Q. Do you deny providing Mr. Ruppel original 15 or copies of footage to him when he was in Chicago? 16 A. Define "provide." 17 Q. Physically hand over possession. 18 A. So "provide" means the same thing as 19 "give"? 20 Q. Yes. 21 A. They mean exactly the same thing. 22 I may have. I can't be certain.	195 1 BY MR. BOWMAN: 2 Q. Did you review video in New York with Mr. 3 Ruppel? 4 A. Yes. 5 Q. Did you send a hard drive with your video 6 on it to Mr. Ruppel? 7 A. I don't recall. 8 Q. Let's go back to this letter titled or 9 e-mail titled "withdrawal of license." 10 What license were you referring to? 11 A. I was, when I wrote the letter, 12 referring -- I recall referring, meaning any 13 license that anybody may think exists relative to 14 my footage. 15 Q. Did ABC have any license to use your 16 footage? 17 A. I never gave ABC a license to use my 18 footage. 19 Q. Okay. Did ABC, in your view, have any 20 license at any time to use your footage? 21 A. I can't see how they would have. 22 Q. Why did you withdraw the license then?
194 1 Q. Okay. Why? Why would you provide him 2 those tapes and footage when he was in Chicago? 3 A. Restate the question. 4 Q. Why would you have provided those to him 5 when he was in Chicago? 6 A. If I did, why would I have done that? 7 Q. Yes. 8 A. So that I -- I imagine so that he could 9 see them. 10 Q. Okay. Did you travel to New York to 11 review video with Mr. Ruppel? 12 A. I've traveled to New York. 13 I need to use the bathroom. You can stay 14 on the record. I'll be right back in a second. 15 MR. BOWMAN: Okay. 16 THE WITNESS: Thanks. 17 (Pause in the proceedings.) 18 MR. BOWMAN: Ready? 19 THE WITNESS: Sure. 20 MR. BOWMAN: Was there a pending 21 question? 22 (The reporter read back as requested.)	196 1 A. You're saying I withdrew the license. 2 You're saying the license. That's not what I'm 3 saying. 4 I'm saying that I sent -- it was a notice 5 that any license that somebody might think that 6 they may have, is -- it doesn't just say -- you're 7 trying to surmise the entire e-mail in three words, 8 and it's an extensive, explicit e-mail. 9 Q. Okay. Why did you think ABC might 10 believe it had a license? 11 A. I didn't necessarily. I just wanted to 12 be sure that they knew that they didn't. 13 Q. Okay. Why was it necessary to send this? 14 A. To ensure that they knew that they -- 15 that nobody had a license for it. 16 Q. In your view, did ABC ever have any 17 rights in the footage that you shot in Chicago? 18 A. Define "any rights." 19 Q. Any copyright rights. Any right to 20 broadcast or use the footage -- 21 A. No. 22 Q. -- that you shot.



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197 1 Okay. So, in your view, ABC never had 2 any rights to use that footage? 3 A. You were defining "any rights"? You sort 4 of -- you started out asking one question, then you 5 rephrases it. And now you're asking -- either 6 you're asking the same question again, or you're 7 asking a question with a different meaning. So I 8 want to figure out what exactly you're doing. 9 Q. Let's be clear. 10 In your view, did ABC ever have any 11 rights to broadcast your footage or the footage 12 that you shot while you were in Chicago? 13 A. No. 14 Q. So, in your view, could you have sold the 15 footage to NBC or CBS or CNN at any time? 16 A. In my view, my footage belonged to me and 17 I could market it and do with it as I -- as I 18 chose. 19 Q. Okay. Did you have any follow-up 20 communications with Mr. Ruppel? 21 A. Define "follow-up communications." 22 Q. After sending -- after sending this	199 1 footage belonged to me, and that it was copyrighted 2 and they didn't have a license, was a conversation, 3 brief, where he told me he was going to figure out 4 if ABC would -- was interested in licensing it. 5 Q. Did he tell you anything else? 6 A. He would get back to me. That's my 7 recollection. It was a long time ago. 8 Q. Okay. Did you tell him anything else? 9 A. Not that I recall at this time. It's a 10 long time ago. 11 Q. Did you discuss anything else in that 12 conversation? 13 A. I think that's what I just answered. 14 Q. Okay. Was there another conversation 15 about the same topic? 16 A. I believe that there may have been. 17 Q. What was the substance of that 18 conversation? 19 A. I don't remember all of the conversations 20 in chronological order or how many there was or 21 when they were. 22 Q. Tell me about all the ones that there
198 1 letter. 2 A. I believe we may have spoken on the 3 phone. 4 MR. BOWMAN: Okay. Ask the court 5 reporter to mark Exhibit 28. 6 THE REPORTER: 6. 7 MR. BOWMAN: 26. 8 (Exhibit 26 9 marked for identification.) 10 BY MR. BOWMAN: 11 Q. Mr. Slate, what is this document? 12 A. It appears to be a photocopy of 13 handwritten notes. 14 Q. Is this your handwriting? 15 A. Appears to be. 16 Q. What did you talk to Mr. Ruppel about 17 when you had your call that you referred to? 18 A. Wait, which call that I referred to? 19 Q. Following up your withdrawal of license 20 letter. 21 A. My recollection is the first call after 22 he got my letter letting him know that all the	200 1 were, regardless of -- tell me what you remember. 2 A. I remember the conversation that I 3 described to you. And I seem to recall there were 4 other conversations but I don't explicitly remember 5 what was said, by whom, right now. 6 Q. Okay. Do you remember anything about 7 them? 8 A. I'm struggling to recall all the 9 conversations and any specifics that I can pull 10 out. 11 Q. Do you remember anything at all? 12 A. I just remember that conversations 13 occurred. Right now that's all I seem to be able 14 to remember. 15 Q. Okay. What are these notes? Can you 16 read any of the text? 17 A. Again, it's a photocopy. My 18 handwriting's pretty bad. 19 Appears to say "Call with Glenn. They 20 won't pay." It appears to say "Do what I have to." 21 They are -- can't clearly make that one out. 22 Q. Can you read any other text here?



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201 1 A. It's difficult to make out my 2 handwriting. 3 Q. Okay. The last bullet point, does that 4 say "Diop is my problem, not theirs"? 5 A. It may. 6 Q. Seeing these notes, do you remember 7 anything else about a conversation with Glenn 8 Ruppel relating to your license or withdrawal 9 thereof? 10 A. What license? 11 Q. Relating to the letter you sent 12 withdrawing any license that ABC might think it 13 had. 14 A. And stating that the footage was 15 copyrighted and belonged to me exclusively? 16 Q. Yes. Do you remember anything else about 17 any conversation with Glenn Ruppel? 18 A. Having this conversation, I seem to 19 recall our last conversation being -- ending in 20 Glenn saying "Do what you have to." 21 Q. Okay. And do you remember anything 22 beyond that?	203 1 they did anything with that footage, they committed 2 copyright infringement? 3 A. With what footage? 4 Q. The footage that you shot in Chicago. 5 A. If they did anything with it? 6 Q. Uh-huh. 7 A. And by "anything," you mean anything in 8 the conceivable world that one could do with any -- 9 what do you mean? 10 Q. Any making use of the footage. Making a 11 copy of it, for example. 12 A. I'm not an expert on that. I couldn't -- 13 couldn't tell you. 14 Q. Did you grant them a license to do 15 anything? 16 A. I think you asked me and I've answered 17 that. 18 Q. All right. And is it your contention 19 that ABC would not have been able to air the 20 segment about police drinking without your footage? 21 A. Say the question again. 22 Q. Could ABC have aired its segment on
202 1 A. I remember that our last conversation, 2 that's how it ended. It was "Do what you gotta 3 do." Glenn said something to that effect. 4 Q. Okay. And do you remember anything other 5 than that? 6 A. Not at this time. It's not there. 7 Q. Okay. And your view is that because ABC 8 never had a license for the footage, if it did 9 anything with the footage, is it your position that 10 it committed copyright infringement? 11 A. Restate the question. 12 Q. Is it -- my understand -- what I 13 understand you testified to today, is that ABC 14 never had a license to use the footage you shot in 15 Chicago; is that correct? 16 A. I believe the question you asked me was 17 did they have a license to broadcast it, did ABC 18 have a license to broadcast it. 19 Q. Okay. Did they have a license to do 20 anything else with it? 21 A. I don't see how they would have, I think. 22 Q. Okay. So is it your position that if	204 1 police drinking without your footage? 2 A. I can't speak for ABC. 3 Q. Do you have a belief? 4 A. Not at this time, I don't. 5 Q. Do you think the footage you shot was a 6 necessary part of the story? 7 A. Define "necessary." Define "the story." 8 Q. The 20/20 report, do you think the 9 footage you shot in Chicago was necessary to do the 10 section of the 20/20 story on undercover -- on 11 off-duty police drinking? 12 A. What do you mean by "necessary"? 13 Q. Needed. Could the story have run without 14 your footage? 15 A. If it's the -- it sounds like the same 16 question you already -- it's been asked and 17 answered. 18 Q. Have you answered it? 19 A. I believe the record reflects that I did. 20 Q. What was your answer? 21 A. That I can't speak for ABC. 22 Q. Okay. And you don't have a belief on



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1 your own? 2 A. No. 3 Q. Who is Mark O'Flahavan? I may be 4 mispronouncing his last name. 5 A. A person. 6 Q. Do you know him? 7 A. Define "know." 8 Q. Have you met Mr. O'Flahavan? 9 A. Yes. 10 Q. Was he in Chicago at the same time you 11 were doing any of the filming that's at issue in 12 this lawsuit? 13 A. Not the whole time, no. 14 Q. Okay. So he was in Chicago during part 15 of the time? 16 A. Mark and I were in Chicago at the same 17 time at some times, but for a minority of the time. 18 Q. Okay. What did he do when he was in 19 Chicago relating to the shooting of the footage? 20 A. I can't speak for Mark. 21 Q. Did you see him? 22 A. I saw -- did I see what?	1 A. I have -- I filmed footage in Chicago 2 with a hidden camera -- 3 Q. Okay. 4 A. -- that I controlled and that belonged to 5 me. 6 Q. Did you own that camera? 7 A. What's that? 8 Q. Did you own that camera? 9 A. I just said that I did. 10 Q. Okay. Did you use more than one camera? 11 A. Define "camera." 12 Q. Really? 13 A. Well, I don't think that you -- I want to 14 be sure that we're being very clear about what -- I 15 don't think that you have the technical expertise 16 that I do in this area and I want to know what you 17 mean by "camera." 18 Q. What do you understand a camera to be? 19 A. A camera can -- is usually a recording 20 device attached to a lens. 21 Q. Okay. Let's work with that definition. 22 Did you use more than one recording
1 Q. Did you see him shoot any footage? 2 A. I don't recall seeing him. He didn't 3 shoot any of the footage that I copyrighted, 4 anything that's in my copyright. 5 Q. To your knowledge did he shoot any of the 6 footage that appeared on 20/20? 7 A. I couldn't be certain, but I don't think 8 so. 9 Q. You don't think so? Did he wear a hidden 10 camera? 11 A. I don't think so. 12 Q. Did you wear a hidden camera? 13 A. Define "wear." 14 Q. Can you carry or have on or about your 15 person a hidden camera? 16 A. When? 17 Q. In Chicago during the filming. 18 A. What -- what filming? 19 Q. The filming we've been talking about 20 throughout this case, the August, September, and 21 October filming that you've placed at issue in the 22 copyright suit.	1 device attached to a lens when you were doing the 2 filming in Chicago, some of which appeared in 3 20/20? Some of which you contend appeared in 4 20/20. 5 A. My equipment is not -- is a recording 6 device and then a lens that can be separated. So 7 that doesn't fit under the definition, the usual 8 definition of a camera. 9 Q. Okay. Let's broaden the definition, 10 then, to a camera. Any device that can record 11 visual images. Okay. 12 Did you employ one or more devices that 13 could record visual images when you were in Chicago 14 doing the filming that's at issue in this lawsuit 15 in August, September, and October of 2007? 16 A. I used more than one hard drive, more 17 than one DVR, both of which belong to me. And more 18 than one lens, both of which belong to me. 19 Q. Did you use any equipment that did not 20 belong to you? 21 A. Not that I recall. 22 Q. Did you use a water bottle camera that



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209 1 belonged to ABC or StreetVision? 2 A. Not that I recall. 3 Q. Could you have used a water bottle camera 4 that belonged to ABC or StreetVision? 5 A. I couldn't be certain. I don't recall 6 using one. 7 Q. Okay. Did ABC send you an overnight 8 package of a camera to a hotel in Chicago? 9 A. What kind of camera? 10 Q. Digital video camera or any other camera 11 as we've defined here, device that can record 12 visual images. 13 A. I don't see why they would have. 14 Q. Okay. But did they? 15 A. I can't speak for them. 16 Q. Did you receive a camera? 17 A. Not that I recall. 18 Q. Okay. Did you use any image recording 19 devices that you did not own or that were owned by 20 the Police Complaint Center or other third parties? 21 A. Not that I recall. Certainly not to 22 shoot any of the footage contained in my	211 1 A. I don't think that -- well, I don't think 2 that's a very common feature in DVRs. It's not -- 3 there's law enforcement grade -- 4 THE REPORTER: I'm sorry, I can't hear 5 you. 6 THE WITNESS: I said there were law 7 enforcement grade DVRs, I think are usually the 8 only ones that count the frame rate, the frames. 9 MR. BOWMAN: Let's go off the record for 10 just a moment. 11 VIDEOGRAPHER: Off the record at 7:16:32. 12 (Discussion off the record at 7:16 p.m.) 13 (Deposition resumed at 7:30 p.m.) 14 (Mr. Siegel is not present.) 15 VIDEOGRAPHER: On the record at 7:00 -- 16 excuse me, 7:30:17. 17 BY MR. BOWMAN: 18 Q. Mr. Slate -- 19 THE WITNESS: Before we get started, 20 could the court reporter tell me what time the 21 deposition first went on the record? 22 VIDEOGRAPHER: 11:56.
210 1 copyrights. 2 Q. How do you know the footage shot for your 3 copyrights was shot with your equipment? 4 A. Because the vast majority of it bears 5 marks that are unique, more or less, to the 6 equipment that I own. 7 Q. What are those marks? 8 A. My DVRs place -- they're law enforcement 9 grade, so they place the time and the date on the 10 lower -- on the screen, and then they count each 11 frame in the upper left-hand corner. I had another 12 camera there that I was also using that didn't do 13 that, but -- 14 Q. What was the other camera? Was that also 15 yours? 16 A. I said that it was, yes. 17 Q. Other than the time and date on the 18 screen, is there any watermark or other way to 19 identify your footage? 20 A. Time, date. Upper left-hand corner, as I 21 recall, it counts the frames. 22 Q. Is that unique to your cameras?	212 1 THE WITNESS: 11:56 a.m.? 2 VIDEOGRAPHER: Yes. 3 THE WITNESS: And what time is it now? 4 VIDEOGRAPHER: 7:30. 5 THE WITNESS: 7:30. I've been here for 6 well over seven hours. I'd like you guys to take 7 the opportunity to wrap it up, because I think 8 we've gone over the amount of time we have for one 9 day's worth of deposition. 10 MR. BOWMAN: I disagree with that, 11 Mr. Slate. That time period includes more than an 12 hour as a lunch break. It includes other breaks, 13 which you proposed. I proposed the 45 minutes or 14 half hour, and you asked for an hour, and came back 15 longer. 16 But whether -- you know, regardless, I 17 think the law is clear that breaks and, you know, 18 the lunch recess don't count toward the deposition 19 total. 20 You know, I'd ask the videographer if 21 there's a count of how long we have been on the 22 record today?



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213 1 VIDEOGRAPHER: It's not easily recovered 2 at the moment. 3 MR. BOWMAN: Okay. 4 VIDEOGRAPHER: It's approximately five 5 hours. 6 MR. BOWMAN: Okay. We've been on the 7 record approximately five hours today. And my 8 understanding is that includes a period of time in 9 which we had a call with chambers about an issue 10 relating to the deposition. So of that five hours, 11 some of that period of time was with the court. 12 Now, I do understand, Mr. Slate, that, 13 you know, it's 8:30 in the evening now, and even 14 though this deposition certainly has not proceeded 15 for seven hours, if you would like to continue it 16 we are amenable to that. If you would like to 17 continue the deposition, we're happy to continue 18 the deposition this evening. 19 THE WITNESS: My position is the 20 deposition has gone on for more than seven hours. 21 And I -- it is much longer than I ever expected, 22 well into the evening.	215 1 A. I'm not answering the question. I'm 2 invoking privilege. 3 Q. Okay. Mr. Slate, are you represented by 4 counsel in this case? 5 A. I obviously am not represented by 6 counsel. 7 Q. Okay. What is the basis for a privilege 8 assertion? 9 A. I'm not going to get in -- as I said when 10 I started out the deposition, I'm here as a fact 11 witness, not to give you my interpretation of the 12 law, my position concerning any of that. You tried 13 to probe it a couple different times, and I told 14 you at the beginning that I was not going to answer 15 those questions. That's not what I was here to 16 talk about. 17 BY MR. BOWMAN: 18 Q. Did you execute interrogatory responses 19 under oath in this case? 20 A. Define "execute." 21 Q. Did you sign interrogatory responses 22 under oath in this case?
214 1 And I would ask that -- I'm not going to 2 consent to a continuance. It needs to be over by 3 8:00 p.m. is when I'm leaving. I have to go and 4 that will have given you well over seven hours. 5 MR. BOWMAN: Well, we disagree with that. 6 But if you need -- if your position is 7 you need to leave at 8:00 o'clock, we'll obviously 8 take it up with the court if you don't agree to a 9 continuance. 10 THE WITNESS: I don't agree to a 11 continuance. 12 BY MR. BOWMAN: 13 Q. Okay. Mr. Slate, did you -- 14 VIDEOGRAPHER: Mr. Slate, would you put 15 your microphone on, please? 16 THE WITNESS: Sure. 17 BY MR. BOWMAN: 18 Q. Mr. Slate, did you prepare interrogatory 19 responses in this case? 20 A. That's privileged. 21 Q. It's privileged whether or not you 22 prepared interrogatory responses?	216 1 A. I know that my record reflects that my 2 former counsel had signed interrogatories on my 3 behalf. First set of interrogatories, I believe, 4 was signed by counsel. 5 I don't know what you're referring -- I 6 don't know what you're referring to, when you say 7 "interrogatories." It's a really broad thing. 8 There's all sorts of interrogatories. 9 MR. BOWMAN: Okay. I'd like to ask the 10 reporter to mark as Exhibit 20 -- 11 THE REPORTER: 27. 12 MR. BOWMAN: 27, a document entitled 13 "Responses to Defendant American Broadcasting 14 Companies, Inc.'s First Set of Interrogatories to 15 Plaintiff." 16 (Exhibit 27 17 marked for identification.) 18 THE WITNESS: My understanding of the 19 first question that you asked me that I objected to 20 on privilege was whether or not I had drafted 21 interrogatories themselves, not responses. I 22 didn't hear responses. That's not what you said.



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217 1 BY MR. BOWMAN: 2 Q. Well, it is getting late. 3 Mr. Slate, did you -- do you recognize 4 this document? 5 A. It appears to be interrogatories, 6 responses. 7 Q. Did you sign this document? 8 A. It's a long document. It appears to be 9 the interrogatory responses that I signed. Like I 10 said, it's a really, really long document. 11 Q. Is that your signature, Mr. Slate? 12 A. It appears to be. 13 Q. Do you have any reason to believe it's 14 not? 15 A. Not at this time, no. 16 Q. Okay. Did you prepare this document? 17 A. It appears to be what I prepared. Like I 18 said, it's a really thick document you put in front 19 of me. I haven't had the opportunity to read all 20 of it. 21 Q. Well, I'm going to -- I'll direct your 22 attention to a particular request. I'd like to	219 1 A. And then the next one is a reference to 2 the file. 3 Q. Okay. 4 A. The video file contained within the 5 copyright. 6 Q. Okay. Have you provided any time markers 7 for where in that file? 8 A. Well, the question asked -- my 9 understanding of the question was to provide time 10 markers for the whole disc. It says -- 11 Q. C, by reference to the disc numbers and 12 time markers on the materials furnished to you -- 13 or by you to the U.S. Copyright Office in 14 connection with the work's registration. 15 A. Right, and when I crafted this answer, I 16 didn't have exact duplicates of what was provided 17 to Copyright Office. I didn't get disc number -- 18 it says disc numbers, but I wasn't clear on what 19 disc numbers meant. And then time marker was 20 ambiguous to me as to what time marker. 21 It seemed to me that providing the file 22 number was the most accurate way to do it, because
218 1 direct your attention to request number 4. No, I'm 2 sorry, request number 2, requesting that you 3 identify any and all portions of the Chicago 4 footage that you contend were included without your 5 permission or authorization in the May 16th, 2008, 6 broadcast of the news program 20/20. 7 Okay. And it asks that you identify such 8 clips by time marker within the ABC 20/20 9 broadcast, and by time marker within your deposits 10 with the Copyright Office. 11 Okay. I'd like to look at your response. 12 First time mark you identify is 29:46 to 13 29:49; is that correct? 14 A. It appears to be correct. 15 Q. Okay. And what have you -- where have 16 you identified that that footage appears within 17 your copyright deposits? 18 A. I identify -- well, the time mark that 19 I'm giving is the time mark for the AB -- the 20 approximate time mark for the ABC 1 exhibit. The 21 next column is a reference to the copyright number. 22 Q. Okay.	220 1 within each one of the file numbers the marker in 2 the upper left-hand corner may be the same. 3 They're different files. So that wouldn't have 4 been a helpful way to reference the deposit 5 material. 6 Q. Okay. 7 A. And this was about as specific as I think 8 I'm able to make. 9 Q. Are you able to be more specific now? 10 A. I don't see why I would be able to. 11 Q. We provided you copies of the 13 discs 12 provided by the U.S. Copyright Office, haven't we? 13 A. I don't -- you're telling me that you 14 did. 15 Q. Okay. 16 A. I mean, I wouldn't be able to because I 17 don't know exactly what time -- "time marker" is 18 ambiguous term. It was a guess as to what was 19 meant by "time marker" in the ABC 01. 20 I expected that it would be frames 21 printed on the screen, and in answering the 22 question I just had to go by the time count on the



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221 1 DVD player. ABC 001, my recollection, is not 2 marked with -- 3 Q. Right. And that's my question. You've 4 given time marks within the ABC broadcast. But 5 you've given no time marks for any of the footage 6 where you believe that footage that appears on 7 20/20 can be found within your registration. 8 A. Because it's not clear that that -- what 9 exactly ABC means by "time mark" in reference to 10 that deposit material. It's not clear to me. 11 Q. Well, aren't there also time marks -- if 12 there are time marks in the 20/20 broadcast, aren't 13 there also time marks on the video footage you 14 submitted? 15 A. Not necessarily. ABC 001 is a -- my 16 recollection, is a something that plays on a DVD 17 player. Not all of the deposit -- it's been a long 18 time since I put the deposit material together, 19 but -- and that's one file. It's ABC 001, my 20 recollection, is one playable DVD, whereas I 21 understand my deposit material to be -- have the 22 structure of more like a disc that wouldn't be	223 1 chronological order of 20/20 is, I believe, on the 2 second page here, 29:39 to 29:40. So it's about 3 one second. 4 A. Wait, you're saying that's the first 5 what? 6 Q. Chronology. If you look, this is 29:46. 7 The earliest time mark, if you're going to put them 8 in chronological order, 29:39 to 29:40, right? 9 A. Okay. You're saying that. I don't know. 10 Q. Okay. You've given a deposit number for 11 the P -- PAu 003375434. 12 A. Uh-huh. 13 Q. We've produced -- the Copyright Office 14 had ten discs, ten CD-ROMs, part of that 15 registration, nine of which were readable. 16 How does frame enlargement/visual prints 17 parking lot -- 18 A. Because in that copyright, there are -- 19 footage is represented through printouts which was 20 left as deposit material, frame stills. So in that 21 instance you wouldn't go to a disc. 22 Q. Oh. So did you register the video that
222 1 counted, wouldn't necessarily play all in order. 2 But that's just my recollection. I 3 don't -- and I was not clear on how to provide a 4 time, what ABC meant by "time marker" in their 5 interrogatories. 6 Q. Okay. 7 A. If I were to give time markers for the -- 8 the time marker that appears on the screen in the 9 file, it could be -- it's a potentially duplicative 10 way. It would not have -- it did not seem like 11 a -- did not seem like what ABC was asking for. 12 Q. Well, my question is this. If you wanted 13 to match up what you claim is your footage that 14 appears in 20/20 with the 13 discs from the 15 Copyright Office, how would what you have provided 16 allow you to do that without watching all of the 17 discs? 18 A. Simple. You would go to the copyright, 19 the disc in the copyright in question. You will 20 put the disc in. And then you would find the file. 21 Q. Okay. Let's try to do some of that. 22 The first time mark you have in	224 1 appears during that second? 2 A. Yes. My understanding is that I did. 3 Q. Okay. Where is that video? 4 A. I don't understand the question. 5 Q. Where in the deposits is that video 6 registered? Where in the ten discs that are part 7 of '434? 8 A. In the deposit -- you keep saying that 9 the deposit material for that copyright is just ten 10 discs. And I don't think that's accurate. 11 Q. Right. There was also some stills; is 12 that correct? 13 A. If you want to describe them as stills. 14 Q. How would you describe them? 15 A. Looks like frame enlargement/visual 16 prints is how I describe them here. 17 Q. And what is that? 18 A. It's a representation of footage. That's 19 the best way that I could possibly describe it 20 right now. It's deposit material. 21 Q. Okay. Is it a still? 22 A. Define "still."



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225 1 Q. Is it a moving image or is it a still 2 image? 3 A. It's part of a moving image. 4 Q. Okay. Where on the discs is that second 5 of moving image that you registered? 6 A. You keep saying the disc. It's 7 represented in the frame enlargement/visual print. 8 That particular, that particular part. 9 Q. I guess I'm not following. I thought you 10 said this was a moving image on the -- 11 A. I said that it was part of a moving 12 image. 13 Q. It was part of a moving image. 14 Did you register the moving image? 15 A. I think I've answered the question. 16 Q. What I understand that you've said is you 17 registered a representation of the footage. 18 Did you register the moving image? 19 A. And I think I've answered that question, 20 that I represent -- that I registered the moving 21 image. 22 Q. Okay. Is the moving image on one of the	227 1 to the Copyright Office, did you provide any other 2 moving images? Were there other discs? 3 A. I copyrighted other material by leaving 4 other deposit material beyond the discs. 5 Q. Okay. And what was that other material? 6 Those were those still images; is that correct? 7 A. You keep saying "still images." 8 Q. Well, what do you think they are? 9 A. I've answered it already. 10 Q. They were representation of footage? 11 A. That's not what I -- I said that they 12 were frame enlargement/visual prints is what it 13 says. 14 Q. Okay. And what I thought I had asked you 15 is did you also register the moving images that 16 appeared in that second on ABC's 20/20 broadcast? 17 A. And I thought I answered. 18 Q. And you said yes; is that correct? 19 A. I don't think so. I think what I said 20 was that I -- that I registered that particular 21 moving image through representing it in deposit 22 material through this means.
226 1 CD-ROM discs that you filed with the Copyright 2 Office? 3 A. For this particular one that we're 4 talking about here, it's represented through a 5 frame enlargement/visual print. 6 Q. Is that on one of the CD-ROM discs? 7 A. I think so. I can't be sure. I don't 8 recall. It may be. It's certainly in the deposit 9 material. 10 Q. Okay. What I'm getting at is finding it 11 in the deposit material. So if we had these discs 12 today -- 13 A. That's not all the deposit material. You 14 keep saying "find it on the disc." That's not all 15 I left at the Copyright Office for that particular 16 copyright. So you keep saying that, but that's not 17 all the deposit material. It's like saying here's 18 half the deposit material, how can you -- find it 19 on half the deposit material. 20 Q. Okay. 21 A. So I don't -- you know. 22 Q. In addition to the 13 discs you provided	228 1 Q. Okay. And that's -- is that true for all 2 of the ones that you've identified "Frame 3 Enlargement/Visual Prints Cooler," "Frame 4 Enlargement/Visual Prints Field," that you haven't 5 listed a specific file? 6 A. Is what true? 7 Q. That you registered them through the 8 means of a representation of footage. 9 A. What? I don't understand what you're 10 saying. 11 Q. Okay. Clearly we're having some trouble 12 communicating. 13 A. Right. And what time -- does anybody 14 know what time it is? 15 Q. What I'm trying to understand is how, as 16 a copyright plaintiff, you have identified where in 17 the deposit material the image that you claim 18 you've registered, the material that you claim is 19 yours that appeared on 20/20. 20 And we'd asked you this in interrogatory. 21 You haven't provided specific time markers, you 22 haven't provided specific disc numbers.



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229 1 A. I have provided time markers. 2 Q. Not to anything that you registered. You 3 provided time markers from the ABC 20/20 broadcast. 4 A. And files within the copyrights where 5 it's contained. 6 Q. Okay. For some of them. We'll get to 7 those in a minute. 8 And then there are a number of them, time 9 marker ABC 30:04 to 30:09, 39:39 to -- or, I'm 10 sorry, 29:39 to 29:40, 29:42 to 29:44, 29:50 to 11 29:53, that have not identified any files. 12 A. They identify deposit material in the 13 copyright. 14 Q. And what is that deposit material? 15 A. As it's listed in the interrogatories. 16 Q. Okay. And those -- are those color 17 prints? 18 A. Let's define "color print." 19 Q. I think you used the term a 20 representation of footage. 21 A. I don't recall. 22 Q. What are those? Are those moving images	231 1 Q. I understand you're asking a different 2 question than I'm asking. 3 Can you find those moving images on the 4 discs that you registered with copyright office? 5 A. I believe so. 6 Q. Where? You've provided no file names, 7 you provided no disc numbers. Where can you find 8 those images -- 9 A. I don't have the -- I don't have a copy 10 of the deposit material right now, or I probably 11 would be able to tell you, but I can't. 12 Q. Okay. Will you -- we've requested that 13 you supplement your interrogatory responses and 14 identify where in the deposit materials the footage 15 is registered that you allege is contained in the 16 20/20 broadcast. 17 Do you plan to do that? 18 A. I understand that I have. And I am glad 19 to, when we can get clear understanding of what 20 exactly it is that you want to know additional, 21 other than what I have provided you, to give you 22 that additional information.
230 1 that you registered? 2 A. You keep asking the same question. You 3 keep asking the same question. 4 Q. I'm not sure I understand the answer. 5 A. Okay. I don't think we're -- I don't 6 think we're going to be able to clear it up. 7 Q. Okay. Did -- let me ask -- it's a yes or 8 no question. 9 Can -- if you -- for those -- if you go 10 to the 20/20 report for those sections of time, can 11 you find those images on the discs that you 12 registered with the Copyright Office? 13 A. You keep -- you can find them in the 14 deposit material. 15 Q. That's not what I asked. 16 A. You can find them in -- 17 Q. Can you find them -- 18 A. -- the deposit material. 19 Q. -- on the discs that you registered with 20 the Copyright Office? 21 A. You can find them in the deposit material 22 with the Copyright Office.	232 1 Q. Okay. Well, let's look at a couple. 2 Let's look at 29:54 through 30:01. And you 3 identified that as belonging to registration PAU 4 003375440. And you identified a file number. 5 I'll represent to you that that file name 6 can be found on a different disc. And I'll pull up 7 that file name. 8 A. What do you mean, "a different disc"? 9 Q. That file name can be found on disc 7 of 10 registration PAU 3375434. Let's look at that. 11 Log back on here. 12 A. Okay. What time is it? 13 Q. It's 8:00 o'clock. 14 A. It's 8:00 o'clock. Okay. I said I got 15 to -- you've had me for well over seven hours. 16 So -- 17 Q. Okay. We disagree with that, but -- 18 A. We should go off the record then and 19 conclude it. 20 Q. All right. For the record, it's now 8:00 21 o'clock -- 22 A. 8:00 p.m.



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Gregory Slate

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233 1 Q. -- p.m., on Friday, February 25th. 2 Plaintiff Greg Slate, witness, has decided that the 3 deposition should be terminated. 4 We're happy to continue the deposition 5 tonight. We're happy to continue the deposition 6 until sometime next week. 7 A. I'm not consenting to a continuance. I 8 think you've had all the time that you need with me 9 today. You've had well over seven hours. So -- 10 Q. And, again, we disagree with that 11 characterization -- 12 A. I understand. 13 Q. -- given the breaks, including lunch 14 break. 15 A. All right. Are these exhibits for me? 16 THE REPORTER: No. 17 MR. BOWMAN: No, those go to the court 18 reporter. 19 Okay. We're off the record. 20 VIDEOGRAPHER: Off the record at 7:58:30. 21 (Discussion off the record at 7:58 p.m.) 22	235 1 DEPOSITION ERRATA SHEET 2 Job No.: 208730 3 Case Name: Slate v. ABC 4 5 DECLARATION UNDER PENALTY OF PERJURY 6 I declare under penalty of perjury that I have 7 read the entire transcript of my deposition taken 8 in the captioned matter or the same has been read 9 to me, and the same is true and accurate, save and 10 except for changes and/or corrections, if any, as 11 indicated by me on the DEPOSITION ERRATA SHEET 12 hereof, with the understanding that I offer these 13 changes as if still under oath. 14 Signed on the _____ day of _____, 20__. 15 16 _____ 17 GREGORY SLATE 18 19 20 21 22
234 1 CERTIFICATE OF STENOTYPE REPORTER - NOTARY PUBLIC 2 3 I, Sara A. Watt, Registered Professional 4 Reporter, the officer before whom the foregoing 5 deposition was taken, do hereby certify that the 6 witness named herein was duly sworn by me; that the 7 foregoing transcript is a true, correct, and 8 complete record of the testimony given; that said 9 testimony was taken by me stenographically and 10 thereafter reduced to typewriting by me; and that I 11 am neither counsel for, related to, nor employed by 12 any of the parties to this litigation and have no 13 interest, financial or otherwise, in its outcome. 14 IN WITNESS WHEREOF, I have hereunto set my 15 hand and affixed my notarial seal. 16 17 18 Sara A. Watt, Notary Public in 19 and for the District of Columbia 20 21 22 My Commission expires July 14, 2013.	236 1 DEPOSITION ERRATA SHEET 2 Page No. Line No. Change to: _____ 3 _____ 4 Reason for change: _____ 5 Page No. Line No. Change to: _____ 6 _____ 7 Reason for change: _____ 8 Page No. Line No. Change to: _____ 9 _____ 10 Reason for change: _____ 11 Page No. Line No. Change to: _____ 12 _____ 13 Reason for change: _____ 14 Page No. Line No. Change to: _____ 15 _____ 16 Reason for change: _____ 17 Page No. Line No. Change to: _____ 18 _____ 19 Reason for change: _____ 20 Page No. Line No. Change to: _____ 21 _____ 22 Reason for change: _____



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